

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Monday, March 28, 2005 7:41 AM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b6
b7C

DATE: 09-19-2005
CLASSIFIED BY 65179 DMH/JHF
REASON: 1.4 (c)
DECLASSIFY ON: 09-19-2030

Importance: High

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

05-CV-0845

~~SECRET~~

RECORD 66F [REDACTED] **A3035**

b2

b7E

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Saturday, March 26, 2005 10:09 AM
To: [REDACTED] (FBI); KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI)
Subject: RE: Patriot Act Examples
Importance: High

b2
b6
b7C
b7E

~~SECRET~~

RECORD 66F [REDACTED] **A3035**

b2
b7E

(S)

[REDACTED] Eleni:

Attached is the EC that addresses the USA PATRIOT ACT provisions that have been utilized in the [REDACTED] Division. The case write-ups themselves are unclassified, however, the titles and file numbers are classified. Please advise if you would like additional clarification or information.

~~SECRET~~

[REDACTED]

b1
b2
b6
b7C
b7E

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Monday, March 21, 2005 10:01 AM
To: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI)
Subject: FW: Patriot Act Examples
Importance: High

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[REDACTED] let's put something together for this request. The deadline is this Friday! wdc

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 12:07 PM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

b6
b7C

UNCLASSIFIED
NON-RECORD

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are

~~SECRET~~

~~SECRET~~

scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET~~

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET~~

~~SECRET~~

(Rev. 01-31-2003)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 08-16-2005
CLASSIFIED BY 65179 DMH /JHF 05-CV-0845
REASON: 1.4 (C , D)
DECLASSIFY ON: 08-16-2030

FEDERAL BUREAU OF INVESTIGATION

Precedence: ROUTINE

Date: 03/25/2005

To: Office of Congressional Affairs

Attn: AD Eleni P. Kalisch

From: [REDACTED]

b2 , b7E

b2

Squad 2

Contact: [REDACTED] [REDACTED]

b6

b7C

Approved By: [REDACTED]

b2

b6

Drafted By: [REDACTED]

:djs

b7C

b7E

Case ID #: (U) [REDACTED]-66F-A3035 (Pending)

Title: (U) USA PATRIOT ACT b2 , b7E
SUNSET PROVISIONS

Synopsis: (U) Case narratives provided as requested.

~~(S)~~-(U)

~~Derived From: G-3~~

~~Declassify On: X1~~

Details: (U) As requested by the Office of Congressional Affairs, [REDACTED] is providing the following case narratives which describe investigations aided by provisions of the USA Patriot Act.

b2

b7E



b2

b6

b7A

b7E

(U) Cited investigation was opened in [REDACTED]

[REDACTED] Upon further investigation it was determined that [REDACTED]



~~SECRET~~

~~SECRET~~

To: Office of Congressional Affairs From: [REDACTED]
Re: (U) [REDACTED]-66F-A3035, 03/25/2005

b2
b7E

[REDACTED]

b6
b7A
b7C

(U) Cited investigation has connections to cases operating in several other field divisions. This has required the coordination and sharing of information with these other offices at various times in the investigation. Based upon the international aspect of the investigation and the potential links to terrorism, cited investigation has been coordinated extensively with numerous foreign government law enforcement entities.

(U) A federal grand jury indicted [REDACTED]

[REDACTED]

[REDACTED]

b2
b6
b7C
b7A
b7E

[REDACTED] was also arrested for [REDACTED]

[REDACTED]

(U) [REDACTED]

[REDACTED]

b2
b7E

(U) Two sections of the USA PATRIOT Act were of particular use during cited investigation:

~~SECRET~~

~~SECRET~~

To: Office of Congressional Affairs From: [REDACTED]
Re: (U) [REDACTED]-66F-A3035, 03/25/2005

b2
b7E

(U) Section 203(d): Information Sharing: Information derived from the Title III utilized in cited investigation was shared with foreign government law enforcement entities.

(U) Section 213: Delay in Search Warrant Notification: During the course of the investigation, on two instances, mail was searched and notification was delayed.

b6
b7A
b7C

(U) [REDACTED]
[REDACTED]

(U) Captioned investigation was partially predicated upon information [REDACTED]
[REDACTED]

b6
b7A
b7C

(U) [REDACTED]
[REDACTED]

b6
b7A
b7C

(U) Investigation to date has included the following investigative measures: [REDACTED]
[REDACTED]

b2
b7A
b7E

(U) [REDACTED] have been charged with [REDACTED]
[REDACTED]

(U) The following sections of the USA PATRIOT Act were utilized during the course of cited investigation:

b6
b7A
b7C

(U) Section 203(d): Information Sharing: Information derived during the course of cited investigation was shared among other FBI field divisions conducting similar investigations. In addition, information obtained was also through the course of the investigation was

~~SECRET~~

~~SECRET~~

To: Office of Congressional Affairs From:
Re: (U) -66F-A3035, 03/25/2005

b2
b7E

shared among the United States Intelligence Community and with foreign government law enforcement entities.

b1
b2
b6
b7A
b7C
b7E

~~(U)~~ ~~(S)~~ ~~(S)~~

(S)

b1
b7A

(U) Cited matter is an on-going investigation.

(U) The following section of the USA PATRIOT Act have been utilized, to date, in cited investigation:

(U) Section 214: Utilization of Pen Registers/Trap and Trace Authority under the Foreign Intelligence Surveillance Act (FISA).

b1
b2
b7A
b7E

~~(U)~~ ~~(S)~~ (S)
~~(S)~~ (S)
~~(S)~~ (S)

(S)

(S)

b1
b2
b7A
b7D
b7E

~~SECRET~~

~~SECRET~~

To: Office of Congressional Affairs From: [REDACTED]
Re: (U) [REDACTED]-66F-A3035, 03/25/2005

b2
b7E

(U) The following sections of the USA PATRIOT Act have been utilized in cited investigation:

(U) Section 214(a): Pen Register/Trap and Trace Authority Under the Foreign Intelligence Surveillance Act (FISA).

b2
b6
b7C
b7E

(U) [REDACTED]
[REDACTED] - VICTIM;
IINI-[REDACTED]
PRODUCER/MANUFACTURER OF CHILD PORNOGRAPHY
305C [REDACTED] 45511

(U) Investigation was initiated as a result of information provided by a local District Attorney's office which indicated that [REDACTED] had videotaped [REDACTED] year old [REDACTED] in sexually explicit poses.

b6
b7C

(U) [REDACTED]
[REDACTED]

b2
b7E

(U) The following section of the USA PATRIOT Act have been utilized in cited investigation:

(U) Section 220: Nationwide Service of Search Warrants for Electronic Evidence.

~~SECRET~~

~~SECRET~~

To: Office of Congressional Affairs From:
Re: (U) -66F-A3035, 03/25/2005

b2

b7E

LEAD(s):

Set Lead 1: (Action)

(U) OFFICE OF CONGRESSIONAL AFFAIRS

AT WASHINGTON, DC

(U) Read and clear.

♦♦

~~SECRET~~

From: [REDACTED] (FBI)
Sent: Tuesday, March 29, 2005 4:22 PM
To: [REDACTED] (OCA) (FBI)
Cc: [REDACTED] (FBI)
Subject: FW: Patriot Act examples

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-10-2005 BY 65179 DMH/JHF

UNCLASSIFIED
NON-RECORD

b2 05-CV-0845
b6
b7C
b7E

[REDACTED]

See the below further explanation to your inquiry. Glad to be of service!

Tracey

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Tuesday, March 29, 2005 10:15 AM
To: [REDACTED] (FBI)
Subject: RE: Patriot Act examples

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[REDACTED]

After consultation with SA [REDACTED] regarding cited matter, SA [REDACTED] advised that two of the five listed reasons for delayed notification would have applied: a) sub-section 3: notification would reasonably be expected to result in destruction of, or tampering with, evidence; and b) sub-section 5: notification would reasonably be expected to cause serious jeopardy to an investigation or unduly delay a trial.

b6
b7C

I further inquired of SA [REDACTED] as to a more detailed explanation. SA [REDACTED] advised that cited investigation was originally covert. If delayed notification were not available, the target of this investigation would have obtained knowledge of the investigation. This would have destroyed the covert nature of this investigation and would reasonably have caused the main target to destroy, and/or tamper with evidence.

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Tuesday, March 29, 2005 7:29 AM
To: [REDACTED] (OCA) (FBI); [REDACTED] (FBI)
Subject: FW: Patriot Act examples

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[REDACTED]

Can you please reach out to the [REDACTED] Case Agent and determine the answer to [REDACTED] question?

b2
b6
b7C
b7E

Thank you,

[REDACTED]

-----Original Message-----

From: [REDACTED] (OCA) (FBI)

b6
b7C

Sent: Monday, March 28, 2005 11:44 AM
To: [redacted] (FBI)
Subject: Patriot Act examples

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[redacted] I already love having you in [redacted] thanks for the great Patriot Act examples in a very user-friendly format!!

I have 1 quick question: In your first example, you reference using §213 (delayed notice). The statute requires the govt to cite to one of five specific circumstances in requesting delayed notice. The five circumstances are set forth below. Can you let me know which [redacted] relied on in seeking the delayed notice warrant? Thanks as always!

b2
b6
b7C
b7E

Pursuant to section 213, prosecutors can seek a judge's approval to delay notification by making a showing that if notification were made contemporaneous to the search, there is reasonable cause to believe one of the following might occur:

1. notification would reasonably endanger the life or physical safety of an individual;
2. notification would reasonably be expected to cause flight from prosecution;
3. notification would reasonably be expected to result in destruction of, or tampering with, evidence;
4. notification would reasonably result in intimidation of potential witnesses; or
5. notification would reasonably be expected to cause serious jeopardy to an investigation or unduly delay a trial.

[redacted]

Office of Congressional Affairs

[redacted]

b2
b6
b7C

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

Message

Page 1 of 3

b6

b7C

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 24, 2005 6:21 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

DATE: 12-27-2005
CLASSIFIED BY 65179DMH/LP/cpb 05-cv-0845
REASON: 1.4 (c)
DECLASSIFY ON: 12-27-2030

UNCLASSIFIED
RECORD 00

05-cv-0845

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Thursday, March 24, 2005 6:12 PM
To: [REDACTED] (FBI); KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI)
Subject: RE: Patriot Act Examples

b2

b6

b7C

b7E

UNCLASSIFIED
RECORD 00

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Eleni,

b6

SAC [REDACTED] asked me to forward this to you. It was prepared by our [REDACTED] (in conjunction with all Program coordinators and managers) [REDACTED] will be our POC for this initiative should you need any additional information

b7C

Thanks

[REDACTED] SSA

b6

b7C

b2

b7E

The following is provided in response to your request for input on the sunset provisions of the PATRIOT Act. The three sunset provisions that the [REDACTED] Division has utilized and benefitted from the most are the information sharing, changes to primary purpose standard for FISA, and the nationwide search warrants.

The information sharing sunset provisions of the PATRIOT Act combined with the changes to the primary purpose standard for FISA have probably been the most vital changes brought about in the sunset provisions of the PATRIOT Act.. Together, these provisions have allowed us to utilize the criminal tools and expertise of the US Attorneys Office in coordination with our intelligence tools to neutralize international terrorism targets. In [REDACTED] this has worked very well as the US Attorneys office representative working with our JTTF has been a key partner in devising strategy to attack terrorist threats. This division has numerous IT investigations where criminal investigative tools such as federal grand jury subpoenas have been utilized. There have also been several instances where we have obtained emergency FISAs where we discussed both criminal and intelligence objectives right from the

b2

b7E

~~SECRET~~

~~SECRET~~

beginning of the investigation. As a general matter, this coordination occurs on a daily basis in a manner that would have been much more difficult if not impossible before the enactment of these sunset provisions of the PATRIOT Act. This has increased our efficiency in our attempts to immediately neutralize Islamic extremists. It is the opinion of a [redacted] SSA that without the ability to utilize both criminal and intelligence tools in a coordinated manner it would be nearly impossible to neutralize terrorist targets.

b2

b7E

(S)

(S)

The other sunset provision that has had a very significant impact on [redacted] Division cases is the nationwide search warrant. [redacted] has utilized this approximately [redacted] times in connection with its [redacted] investigation, and on [redacted] occasions in connection with a computer intrusion case (288A-[redacted] 103932). [redacted] experience in the use of the nationwide search warrants to obtain e-mail from ISPs has shown that they significantly reduce the time it takes to obtain contents of e-mail accounts, and results in a much more efficient use of agent investigative resources. This reduction in time can allow us to obtain information that would otherwise be lost because of [redacted]

b1

b2

b7E

[redacted] It is foreseeable that the time saved obtaining information through the use of nationwide search warrants could have other benefits. While we can not state with certainty that up to this point the use of a nationwide search warrant definitely prevented an act of child sexual exploitation, because of the reduction in time it takes to obtain e-mail information through the use of a nationwide warrant, it is very conceivable that the use of a nationwide warrant in connection with the Innocent Images investigation could prevent such an act of child exploitation at some point in the future.

Regarding the other sunset provisions of the PATRIOT Act, while we have not had many specific instances of implementing their use, it is certainly foreseeable that the need for their use could come up. The sunset provision requiring the use of a FISA business court order for obtaining business records, while certainly better than the previous law, is overly burdensome, and should be changed to allow access to such records with an administrative subpoena. As the legislation about to sunset is written, the FISA business record provision could be very useful, but has been under utilized because of the length of time it took to get the orders in the past. I believe we may see an increase in the use of FISA court orders for business records as agents become aware that the FBI may obtain these directly from the court. Up until recently we had to go through DOJ to obtain these and, while I do not have any specific instances of when we tried to get one, I can tell you that when the DOJ had to obtain these orders, the impression of the field was that it would take months to get one of these orders. We had an instance a couple of years ago when we wanted to obtain [redacted] records in an expedited manner and didn't even bother because by the time OIPR got the order we would not need the records any more. If I recall correctly, we were lucky because a persuasive agent obtained them with consent. Now I believe the FBI will be obtaining these directly from the FISA court and it is anticipated that it will take much less time to get an order. We have tried to get the word out to use these orders but up to now have not had much of a response, in part because of the general knowledge of the previous DOJ institutional inertia.

b2

b7E

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 12:07 PM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the

~~SECRET~~

~~SECRET~~

Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 11:27 AM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Sunset examples

b6

b7C

DATE: 09-19-2005
 CLASSIFIED BY 65179 DMH/JHE
 REASON: 1.4 (c)
 DECLASSIFY ON: 09-19-2030

05-CV-0845

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

Wow! [REDACTED] is all over it!

b2

b6

b7C

b7E

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 11:25 AM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI)
Subject: Sunset examples

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

Eleni,

Below please find the requested information re sunset provisions.

(S)

Section 214 - [REDACTED] successfully utilized FISA pens [REDACTED] which provided locally significant intelligence concerning international terrorism.

b1

b2

b7E

Section 203/218 - [REDACTED] successfully provided intel gained via FISA coverage to criminal agents to support an ongoing criminal investigation into material support of terrorism.

b2

b6

b7C

b7E

SA [REDACTED]
 [REDACTED] DIVISION
 SQUAD CT. 1
 [REDACTED]

~~SENSITIVE BUT UNCLASSIFIED~~

~~SECRET~~

~~SENSITIVE BUT UNCLASSIFIED~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 24, 2005 4:43 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act

b6

b7C

UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 08-10-2005 BY 65179 DMH/JHE

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Thursday, March 24, 2005 4:41 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: Patriot Act

05-CV-0845

b2

b7E

UNCLASSIFIED
NON-RECORD

Elini:

Please see the attached Patriot Act example from the [REDACTED] Division. I just arrived as the Counterterrorism ASAC so my personal knowledge of the division is limited. Should this not suffice, or you need additional information, please don't hesitate to call [REDACTED] or email me.

b2

b7E

Thanks.

[REDACTED]

b2

b7E

UNCLASSIFIED

UNCLASSIFIED

b6
b7C

05-CV-0845

b2
b6
b7C
b7E

b6
b7C
b7E

b2

b7E

b2
b6
b7C
b7E

b7E

b2

b6
b7A

b7E

b2
b7E

file:///H:/My%20Documents/WPDocs/LEGISSUES/patriot%20act%20reauthorization/exa... 6/14/2005

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

DATE: 12-08-2005
CLASSIFIED BY 65179 DMH/LE/DEW
REASON: 1.4 ((C,D) 05-CV-0845)
DECLASSIFY ON: 12-08-2030

PATRIOT ACT PROVISIONS:

COUNTERINTELLIGENCE DIVISION: EAST ASIA SECTION: CD-3D

INFORMATION SHARING:

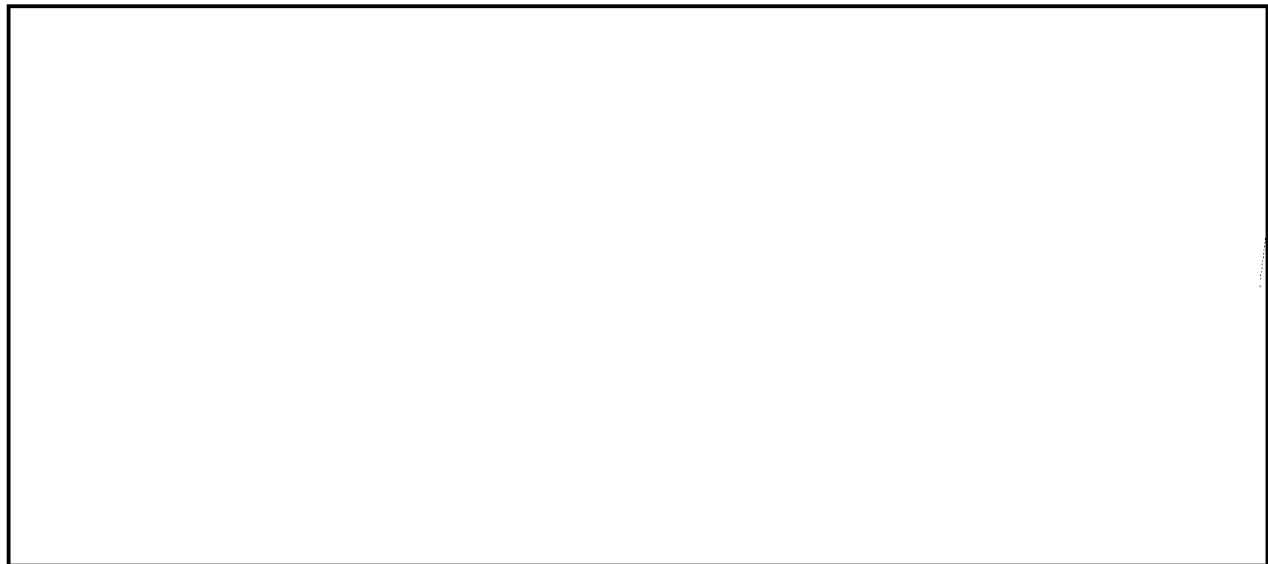
DATE: 08-10-2005
CLASSIFIED BY 65179 DMH/JHF
REASON: 1.4 ((C,D)
DECLASSIFY ON: 08-10-2030

FBI INITIATIVES:



b1
b2
b7E

(S)



b1
b2
b7E

(S)

FBI INVESTIGATIONS:



(S)

b1
b2
b7E

~~SECRET~~

~~SECRET~~

(S)

b1
b2
b7E

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Tuesday, March 29, 2005 8:54 AM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b6

b7C

DATE: 12-03-2005
 CLASSIFIED BY: 61579DMH/JP/DFW
 REASON: 1.4 (C) 75-CP-0845)
 DECLASSIFY ON: 12-03-2030

Importance: High

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

-----Original Message-----

From: BEREZNAY, TIMOTHY D. (CD) (FBI)
Sent: Tuesday, March 29, 2005 8:27 AM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: FW: Patriot Act Examples
Importance: High

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

-----Original Message-----

From: DESLAURIERS, RICHARD (CD) (FBI)
Sent: Thursday, March 24, 2005 12:12 PM
To: BEREZNAY, TIMOTHY D. (CD) (FBI)
Cc: [REDACTED] (CD) (FBI)
Subject: RE: Patriot Act Examples
Importance: High

b6

b7C

b1

b2

b7E

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

Tim:

[REDACTED]

(S)

[REDACTED]

(S)

[REDACTED]

(S)

[REDACTED]

(S)

~~SECRET~~

b1

b2

(S) b7E

I hope this sensitive but unclassified CD-2 response assists OCA efforts to renew the Patriot Act "sunset" provisions, as they pertain to Section 214. Rick

Richard DesLauriers
Section Chief, Global Section (CD-2)
Counterintelligence Division

b2

-----Original Message-----

From: BEREZNAY, TIMOTHY D. (CD) (FBI)
Sent: Monday, March 21, 2005 10:19 AM
To: DONNER, MICHAEL A. (CD) (FBI); DESLAURIERS, RICHARD (CD) (FBI); GUERIN, RONALD T. (CD) (FBI); FAVREAU, KEVIN (CD) (FBI)
Subject: FW: Patriot Act Examples
Importance: High

~~UNCLASSIFIED~~
~~NON-RECORD~~

Pls canvas your troops and provide examples to me by noon Thursday.

-----Original Message-----

From: SZADY, DAVID (CD) (FBI)
Sent: Monday, March 21, 2005 8:01 AM
To: BEREZNAY, TIMOTHY D. (CD) (FBI); ANDRESS, BEVERLY (CD) (FBI)
Subject: FW: Patriot Act Examples
Importance: High

~~UNCLASSIFIED~~
~~NON-RECORD~~

I know we have wxamples such as Rudy's

b2

b7E

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 12:07 PM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

~~UNCLASSIFIED~~
~~NON-RECORD~~

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

~~SECRET~~

~~SECRET~~

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SECRET~~

~~SECRET~~

b6

b7C

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Tuesday, March 29, 2005 8:55 AM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

~~UNCLASSIFIED~~
~~NON-RECORD~~

05-CV-0845

-----Original Message-----

From: BEREZNAV, TIMOTHY D. (CD) (FBI)
Sent: Tuesday, March 29, 2005 8:33 AM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: FW: Patriot Act Examples

DATE: 12-29-2005
CLASSIFIED BY 65179dmh/baw 05-cv-0845
REASON: 1.4 (C)
DECLASSIFY ON: 12-29-2030

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~UNCLASSIFIED~~
~~NON-RECORD~~

-----Original Message-----

From: DONNER, MICHAEL A. (CD) (FBI)
Sent: Wednesday, March 23, 2005 1:48 PM
To: BEREZNAV, TIMOTHY D. (CD) (FBI)
Cc: [REDACTED] (CD) (FBI); SULLIVAN, DONALD T. (CD) (FBI); [REDACTED] (CD) (FBI)
Subject: FW: Patriot Act Examples

b6

b7C

~~UNCLASSIFIED~~
~~NON-RECORD~~

Tim. attached are two examples identified by the A unit concerning the benefits of the Patriot Act supporting CI investigations.

Donner

[REDACTED] thanks for the input.

-----Original Message-----

From: [REDACTED] (CD) (FBI)
Sent: Wednesday, March 23, 2005 12:51 PM
To: DONNER, MICHAEL A. (CD) (FBI)
Cc: [REDACTED] (CD) (FBI); [REDACTED] (CD) (FBI)
Subject: RE: Patriot Act Examples

b6

b7C

~~UNCLASSIFIED~~
~~NON-RECORD~~

Mike - Here are two examples in support of continuing or reauthorization of the roving authority and the FISA pen register and trap and trace section:

(S)

EX 1: In 2004, shortly after the roving authority was implemented, an [REDACTED]

[REDACTED]

b1

b2

b7E

~~SECRET~~

~~SECRET~~

[redacted] This would not have been possible without the roving authority.

b1

b2

(S) EX 2: The Pen Register and Trap and Trace Section of the Patriot Act allowed an investigator in an

b7E

(S)

(S)

b6

Regards, dm

b7C

-----Original Message-----

From: [redacted] (CD) (FBI)**Sent:** Monday, March 21, 2005 11:15 AM**To:** [redacted] (CD) (FBI); [redacted] (CD) (FBI); [redacted] (CD) (FBI);

[redacted] (CD) (FBI); [redacted] (CD) (FBI); [redacted] (CD) (FBI);

[redacted] (CD) (FBI); [redacted] (CD) (FBI); [redacted] (CD) (FBI); [redacted] (CD) (FBI);

[redacted] (CD) (FBI); [redacted] (CD) (FBI)

Subject: FW: Patriot Act Examples**Importance:** HighUNCLASSIFIEDNON-RECORD

All-

Please review and send any examples to [redacted] acting UC on Wed). [redacted] - please combine responses and send them up to Mike Donner.

b6

b7C

thanks

-----Original Message-----

From: DONNER, MICHAEL A. (CD) (FBI)**Sent:** Monday, March 21, 2005 11:13 AM**To:** [redacted] (CD) (FBI); [redacted] (CD) (FBI); [redacted] (CD) (FBI);

[redacted] (CD) (FBI); [redacted] (CD) (FBI)

Cc: [redacted] (CD) (FBI)**Subject:** FW: Patriot Act Examples**Importance:** High

b6

b7C

UNCLASSIFIEDNON-RECORD

All..attached provided from DAD Berezney concerning Patriot Act..kindly respond to me by noon Wednesday with any examples ..unclassified..in support of continuing or reauthorization of certain provisions.

Donner

-----Original Message-----

From: BEREZNEY, TIMOTHY D. (CD) (FBI)~~SECRET~~

~~SECRET~~

Sent: Monday, March 21, 2005 10:19 AM
To: DONNER, MICHAEL A. (CD) (FBI); DESLAURIERS, RICHARD (CD) (FBI); GUERIN, RONALD T. (CD) (FBI); FAVREAU, KEVIN (CD) (FBI)
Subject: FW: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

Pls canvas your troops and provide examples to me by noon Thursday.
-----Original Message-----

From: SZADY, DAVID (CD) (FBI)
Sent: Monday, March 21, 2005 8:01 AM
To: BEREZNAVY, TIMOTHY D. (CD) (FBI); ANDRESS, BEVERLY (CD) (FBI)
Subject: FW: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

I know we have wxamples such as Rudy's [REDACTED]
-----Original Message-----

b2

b7E

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 12:07 PM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act as well as a summary of the 16 "sunset" provisions are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

~~SECRET~~

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SECRET~~

From: [REDACTED] (CID) (FBI)

Sent: Thursday, March 24, 2005 9:13 AM

To: [REDACTED] (OCA) (FBI)

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-11-2005 BY 65179 DMH/JHF

b6

b7C

05-CV-0845

Cc: WILLIAMS, WK (CID) (FBI); GREGORSKI, CHARLES C. (CID) (FBI); BURRUS, JAMES H. (CID) (FBI); CUNNINGHAM, CHARLES J. (CID) (FBI); [REDACTED] (CID) (FBI); [REDACTED] (CID) (FBI); MINES, MICHAEL C. (CID) (FBI); [REDACTED] (CID) (FBI); PIERCE, D. S. (CID) (FBI); ROONEY, CHARLES J. (CID) (FBI); SWECKER, CHRIS (CID) (FBI); METZ, THOMAS R. (CID) (FBI); SIEGLE, DEREK M. (CID) (FBI); JACKSON, JOHNNIE E. (CID) (FBI); [REDACTED] (CID) (FBI); KALISCH, ELENI P. (OCA) (FBI)

Subject: RE: Patriot Act Examples

UNCLASSIFIED

NON-RECORD

b6

b7C

[REDACTED] referred me to you for guidance on the requested Patriot Act Examples for the Sunset provisions - CID has numerous examples to support the continued need for easy information sharing between, CT, CI and Criminal. CID previously prepared a list of cases showing this interrelationship for a response to the WMD commission. This slightly reworked list is attached - it has been somewhat sanitized but still contains some very sensitive information - classified or unclassified.

I wanted you to take a look at it because I am concerned the more sanitized the information, the less weight it carries in support of our arguments.

Thanks x [REDACTED]

b2

b6

b7C

-----Original Message-----

From: SWECKER, CHRIS (CID) (FBI)

Sent: Sunday, March 20, 2005 5:21 PM

To: [REDACTED] (CID) (FBI)

Cc: WILLIAMS, WK (CID) (FBI); BURRUS, JAMES H. (CID) (FBI); [REDACTED] (CID) (FBI); CUNNINGHAM, CHARLES J. (CID) (FBI); [REDACTED] (CID) (FBI); [REDACTED] (SE) (FBI); MINES, MICHAEL C. (CID) (FBI); [REDACTED] (CID) (FBI); PIERCE, D. S. (CID) (FBI); ROONEY, CHARLES J. (CID) (FBI); [REDACTED] (CID) (FBI)

b6

b7C

Subject: FW: Patriot Act Examples

Importance: High

UNCLASSIFIED

NON-RECORD

[REDACTED] will coordinate our response. Pls canvass for examples.

b6

Chris Swecker

b7C

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)

Sent: Thursday, March 17, 2005 12:07 PM

To: FBI_SAC's; FBI_ADs and EADs

Subject: Patriot Act Examples

Importance: High

UNCLASSIFIED

NON-RECORD

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are

scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

b2

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

DATE: 09-19-2005
CLASSIFIED BY 65179 DMH/JHF
REASON: 1.4 (c)
DECLASSIFY ON: 09-19-2030

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

**PATRIOT ACT
SUNSET PROVISIONS**

05-CV-0845

**CID EXAMPLES OF THE NEED FOR
PATRIOT ACT SECTIONS 203 AND 218 (INFORMATION SHARING)**

Experience has taught the FBI that there are no neat dividing lines that distinguish criminal, terrorist, and foreign intelligence activity. Criminal, terrorist and foreign intelligence organizations and acts are often interrelated or interdependent. FBI files are full of examples of investigations where information sharing between counterterrorism, counterintelligence and criminal intelligence efforts and investigations was essential to the FBI's ability to protect the United States from terrorists, foreign intelligence activity and criminal activity. Some of these examples which support the need for continued information sharing between criminal, counterterrorism and counterintelligence efforts are set forth below:

A. Transnational Criminal Enterprises

b2

b7A

b7E

1.

[Redacted]

b2

b7A

b7E

Ongoing.

2.

[Redacted]

b2 , b7A, b7E

[Redacted]

b2

b7A

b7E

Ongoing.

3. Alien Smuggling

[Redacted]

b2

b7E

~~SECRET~~

~~SECRET~~

The following are examples of criminal intelligence developed and disseminated on alien smuggling matters:

b2

b6

b7A

b7E

a. [redacted] FBI [redacted]

[redacted]

b. [redacted] FBI [redacted]

[redacted]

c. [redacted]

[redacted]

b2

b7A

b7E

d. [redacted] FBI [redacted]

[redacted]

(S)

b1
b2
b6
b7A
b7C
b7D
b7E

4. [redacted]

[redacted]

5. [redacted]

[redacted]

b2

b6

b7A

b7C

b7E

Ongoing.

~~SECRET~~

~~SECRET~~

6. [REDACTED]

b2
b7E

[REDACTED]

7. [REDACTED]

[REDACTED]

[REDACTED]

b2
b7A
b7E

the arrest, indictment and subsequent deportation of the subjects from Hong Kong to [REDACTED]
The charges included narcotics violations and providing material support to Al Qaeda.

8. [REDACTED]

[REDACTED]

b2
b6
b7A

[REDACTED] Ongoing.

b7C
b7E

9. [REDACTED]

[REDACTED]

b2
b7A
b7E

10. [REDACTED]

b2 ,b7A, b7E

[REDACTED]

b2
b7E

~~SECRET~~

~~SECRET~~

B. Americas Criminal Enterprises (drugs/gangs/major theft enterprises)

1. [redacted] (199M [redacted] 280706) (281H [redacted] 281341)

[redacted]

Investigation began as a Pentbomb lead concerning [redacted] in [redacted]
[redacted] was identified and determined to be a Taliban/Al Qaeda associate. He was a
financial contributor to the Taliban and [redacted] where
drug trafficking took place. He filed a fraudulent death claim for [redacted] with an insurance
company and was convicted of mail fraud. One of his employees was located in [redacted] and
deported after a drug conviction.

2. [redacted]

[redacted]

3. [redacted]

[redacted]
[redacted] Ongoing

4. [redacted]

[redacted]
[redacted] Ongoing.

5. [redacted]

[redacted]
[redacted] Ongoing.

~~SECRET~~

b2

b6

b7A

b7C

b7E

b2

b7A

b7E

b2

b6

b7A

b7C

b7E

b2

b7A

b7E

b2

b6

b7A

b7C

b7E

~~SECRET~~

b2

b7A

b7E

C. White Collar Crimes

1. Unlawful Redemption [redacted] 265C [redacted] 42132, [redacted]
265F [redacted] 282769)

[redacted]

Ongoing.

b2

b6

b7A

b7E

2. [redacted]

b2 , b7A, b7E

[redacted]

b2

b6

b7A

b7C

b7E

3. [redacted] (272-[redacted] 97082) b2 , b6, b7C, b7E

A drug/money laundering investigation identified subjects in Colombia, Spain, England and U.S., including a subject affiliated with the United Self-Defense Forces of Colombia (AUC), which is a recognized Foreign Terrorist Organization. Subject wants to purchase a bank in the U.S. to facilitate laundering of drug proceeds. Ongoing.

4. [redacted]

b2 , b7A, b7E

[redacted]

b2

b7A

b7E

[redacted] Ongoing

5. Express Cleaners (272D [redacted] 40807)

b2

b7E

Investigation determined subjects were in position to launder millions through a location outside the U.S. through Lebanese and Saudi Arabian banks. The money would be returned to U.S. "clean" for a 20% fee. Two subjects identified had links to terrorists or terrorist activities.

b2 , b6, b7A, b7C, b7E

6. [redacted]

[redacted]

b2

b7A

b7E

~~SECRET~~

~~SECRET~~

b2 , b6, b7C, b7E

7. [REDACTED]

[REDACTED]

b2
b6
b7A
b7C
b7E

8. [REDACTED]

b2 , b6, b7C, b7E

[REDACTED]

b2
b7A

[REDACTED] Ongoing.

b2 , b6, b7A, b7C, b7E

b7E

9. [REDACTED]

[REDACTED]

(S) b1
b2
b7A
b7E

10. [REDACTED]

b2 , b6, b7A, b7C, b7E

[REDACTED]

b2
b6
b7A
b7C
b7E

[REDACTED] Ongoing.

11. [REDACTED]

b2 , b6, b7A, b7C, b7E

[REDACTED]

b2
b7A
b7E

12. [REDACTED]

b6 b7A, b7C

[REDACTED]

b6
b7A
b7C

~~SECRET~~

~~SECRET~~

[Redacted]

b2
b7A
b7D
b7E

D. Public Corruption

1.

[Redacted]

b2 , b7A, b7E

[Redacted]
[Redacted] Ongoing.

b2
b7A
b7D
b7E

2.

[Redacted]

b7A

[Redacted]

b2
b7A
b7E

3.

[Redacted] (265B-[Redacted]-42623-[Redacted])

b2
b6
b7A
b7C
b7E

[Redacted]

Ongoing.

b2
b6
b7A
b7C
b7E

E. Civil Rights

1. Human Trafficking Investigations

Target organizations who traffic in aliens to be used as domestic servants, prostitutes and migrant workers. Investigations also develop foreign intelligence information.

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 9:15 AM
To: [REDACTED] (OCA) (FBI)
Subject: FW: patriot act provisions survey

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-11-2005 BY 65179 DMH/JHF

UNCLASSIFIED
RECORD 1a-c545

05-CV-0845

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 9:09 AM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: RE: patriot act provisions survey

b2
b6
b7C
b7E

UNCLASSIFIED
RECORD 1a-c545

Based on an office-wide canvas, the only example to provide from the [REDACTED] Division relates to Section 206 of the PATRIOT ACT regarding roving FISA surveillance [REDACTED]

b2
b6
b7A
b7C
b7E

[REDACTED] is on AL until April 4. POC at [REDACTED] in the interim is [REDACTED]
[REDACTED]

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 8:35 AM
To: [REDACTED] (FBI)
Subject: RE: patriot act provisions survey

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Here is the tasking e-mail. Informal e-mail responses were requested. Thanks.

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 8:00 AM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: patriot act provisions survey

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Hi... I'm preparing [REDACTED] response to your inquiry and will submit an email regarding same, but was wondering if there is an EC setting out a lead regarding this inquiry. I can prepare an EC and email it to you as an attachment for [REDACTED] response, or simply send an email. Please let me know if you'd like a formal EC in response. Thank you!

b2
b7E

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 24, 2005 4:07 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b6
b7C

DATE: 09-19-2005
CLASSIFIED BY: 65179 DMH/JHF
REASON: 1.4 (C)
DECLASSIFY ON: 09-19-2030

~~UNCLASSIFIED~~
~~NON-RECORD~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b6

05-CV-0845

-----Original Message-----

b7C

From: [REDACTED] (FBI)
Sent: Thursday, March 24, 2005 3:58 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI)
Subject: RE: Patriot Act Examples

b2
b7E

~~UNCLASSIFIED~~
~~NON-RECORD~~

Ms. Kalisch:

The following is information I was able to gather from our CT squad in [REDACTED] am still waiting for information from our CT squad in [REDACTED] but they are all working a time critical investigation this week and I doubt I will have any additional information from them before COB 3/25. When I get information from this squad I will forward it.

b2
b7E



(S)

b1
b2
b7A
b7E

The undersigned is the point of contact for the [REDACTED] Division for any follow-up questions.



b2
b6
b7C
b7E

~~SECRET~~

b2
b7E

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Thursday, March 17, 2005 2:21 PM
To: [REDACTED] (FBI)
Cc: [REDACTED] (FBI)
Subject: FW: Patriot Act Examples
Importance: High

b2
b6
b7C
b7E

~~UNCLASSIFIED~~

~~SECRET~~**NON-RECORD**

b6

☐ Please handle this. ☐

b7C

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 12:07 PM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

~~UNCLASSIFIED~~
~~NON-RECORD~~

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

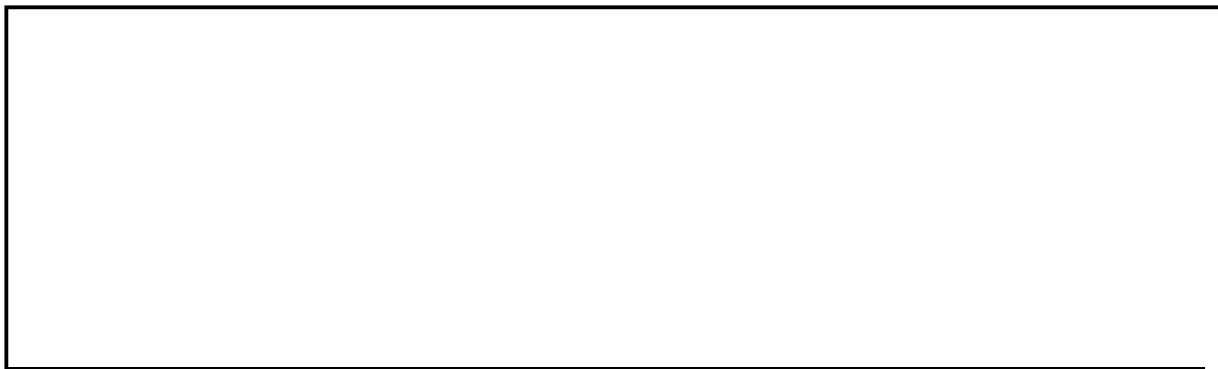
UNCLASSIFIED~~SECRET~~**UNCLASSIFIED****UNCLASSIFIED**

~~SECRET~~

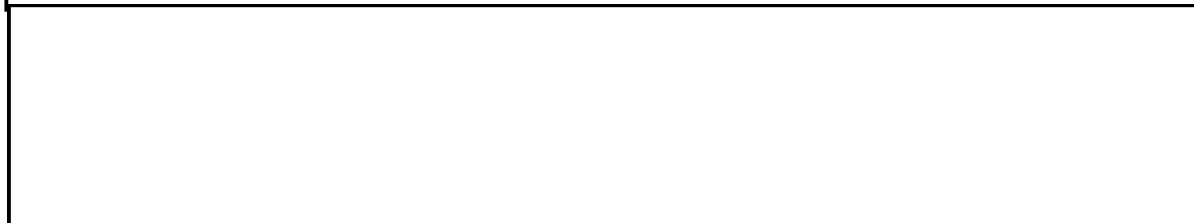
~~UNCLASSIFIED~~

~~SECRET~~

Cyber Division - Patriot Act Examples 05-CV-0845



b2
b5
b7D
b7E



b2
b7A
b7D
b7E

~~SECRET~~

From: [REDACTED] (FBI)
Sent: Wednesday, March 30, 2005 7:52 AM
To: [REDACTED] (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED]
[REDACTED] (FBI)
Subject: FW: SPECIFIC EXAMPLES ON THE PATRIOT ACT PROVISION - Voluntary Disclosure by ISP

b2

b6

b7C

b7E

UNCLASSIFIED
NON-RECORD

DATE: 12-29-2005
CLASSIFIED BY 65179dmh/baw
REASON: 1.4 (c)
DECLASSIFY ON: 12-29-2030

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[REDACTED]
[REDACTED] SA [REDACTED] was notified by the USAO that the order was signed to unseal the case by the Magistrate Judge regarding the example on the Voluntary Disclosure by an ISP. Do you need a copy of the Order? Also, please notify me if [REDACTED] can provide you with any other data.

b2

b6

b7C

Thanks!
[REDACTED]

b7E

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Tuesday, March 29, 2005 4:32 PM
To: [REDACTED] (FBI)
Cc: [REDACTED] (FBI)
Subject: RE: SPECIFIC EXAMPLES ON THE PATRIOT ACT PROVISION

b2

b6

b7C

b7E

UNCLASSIFIED
NON-RECORD

[REDACTED]
I just got a call from the USAO, the order has been signed and they will forward a copy to me via the mail.

b6

b7C

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Tuesday, March 29, 2005 10:46 AM
To: [REDACTED] (FBI); [REDACTED] (FBI)
Cc: [REDACTED] (FBI)
Subject: RE: SPECIFIC EXAMPLES ON THE PATRIOT ACT PROVISION

b2

b6

b7C

b7E

UNCLASSIFIED
NON-RECORD

[REDACTED]
Please confirm to me by email regarding the order filed to unseal the case by which information may be released. Congressional Affairs is waiting on your response.

b6

b7C

Thanks
[REDACTED]

~~SECRET~~

~~SECRET~~

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Monday, March 28, 2005 5:08 PM
To: [REDACTED] (FBI); [REDACTED] (FBI)
Subject: RE: SPECIFIC EXAMPLES ON THE PATRIOT ACT PROVISION

b2

b6

b7C

b7E

UNCLASSIFIED
NON-RECORD

[REDACTED]
I spoke with [REDACTED] regarding this matter and she stated that the case were under seal. However, as the case was being closed she felt there would not be a problem unsealing the matter. She indicated she would submit the order to unseal the matter today (3/29/2005).

Additional information

(S)

(S)

(S)

b1

b2

b6

b7C

b7D

b7E

(S)

Let me know if this is all you need.

b2

b6

P.S. I am at headquarters, the only way to get a hold of me is via my pager [REDACTED]

b7C

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Monday, March 28, 2005 12:48 PM
To: [REDACTED] (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI)
Subject: RE: SPECIFIC EXAMPLES ON THE PATRIOT ACT PROVISION

b2

b6

b7C

b7E

UNCLASSIFIED
NON-RECORD

The public disclosure is fine with me but do no refer to the specific case file

~~SECRET~~

~~SECRET~~

because this case is in support of a Group 1. [REDACTED] (S)

[REDACTED] (S)

SSA [REDACTED]

[REDACTED] Cyber Squad

-----Original Message-----

From: [REDACTED] (FBI)

Sent: Friday, March 25, 2005 3:12 PM

To: [REDACTED] (FBI); [REDACTED] (FBI)

Cc: GONZALEZ, GUADALUPE [REDACTED] (FBI); COWARD, RODERICK W [REDACTED] (FBI); [REDACTED] (FBI)

Subject: SPECIFIC EXAMPLES ON THE PATRIOT ACT PROVISION

Importance: High

UNCLASSIFIED
NON-RECORD

[REDACTED]

In 2004, you reported the below information regarding the Patriot Act Provisions. HQ, [REDACTED] Office of Congressional Affairs, is requesting the following:

* On the §212 case - this is a great example and factually distinct from most that we have for this provision. What's the status of this investigation and the classification of the information contained in this narrative? Can this info be used in a public statement? If not, is there anything we can say publically?

Please respond by email to [REDACTED] **deadline: COB March 28, 2005.** The Director will be testifying before Congress on the information you provide (per Office of Congressional Affairs).

Thank you.

[REDACTED]

~~SECRET~~

1.

-Voluntary Disclosure by ISP
(18 USC §212)

OCT 10/22/04

[REDACTED] FBI received a lead from the legat in [REDACTED] regarding an internet threat against [REDACTED] people if they did not pull their troops out of Iraq. The web site hosting this bulletin board was hosted at [REDACTED], a [REDACTED] based internet service provider. [REDACTED] contacted [REDACTED] regarding this matter and they provided us access to the electronic content of the server in order to identify the source of the threatening post. (S)

b1
b2
b7D
b7E

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE



DIVISION REPORT

DATE: 08-23-2005
CLASSIFIED BY 65179 DMH / JHF
REASON: 1.4 (C, D)
DECLASSIFY ON: 08-23-2030

05-CV-0845

TRACKING THE USE OF THE PATRIOT ACT PROVISIONS

Paralegal Specialist

b2

b6

b7C

b7E

b1

b2

b7A

b7E

X

(S)

~~SECRET~~

~~SECRET~~

X

b1

b2

b7A

b7E

(S)

~~SECRET~~

~~SECRET~~

(S)

X

X

X

b1

b2

b7A

b7E

~~SECRET~~

~~SECRET~~

(S)

X

X

X

b1

b2

b7A

b7E

~~SECRET~~

~~SECRET~~

(S)

X

(U)

X

b1

b2

b7A

b7E

X

X

~~SECRET~~

~~SECRET~~

(S)

(U)

X

b1

b2

b7A

b7E

(U)

X

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b7A

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b7A

b7C

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b7A

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b7A

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b6

b7A

b7C

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b6

b7A

b7C

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b6

b7A

b7C

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b6

b7A

b7C

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b6

b7A

b7C

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b6

b7A

b7C

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b6

b7A

b7C

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

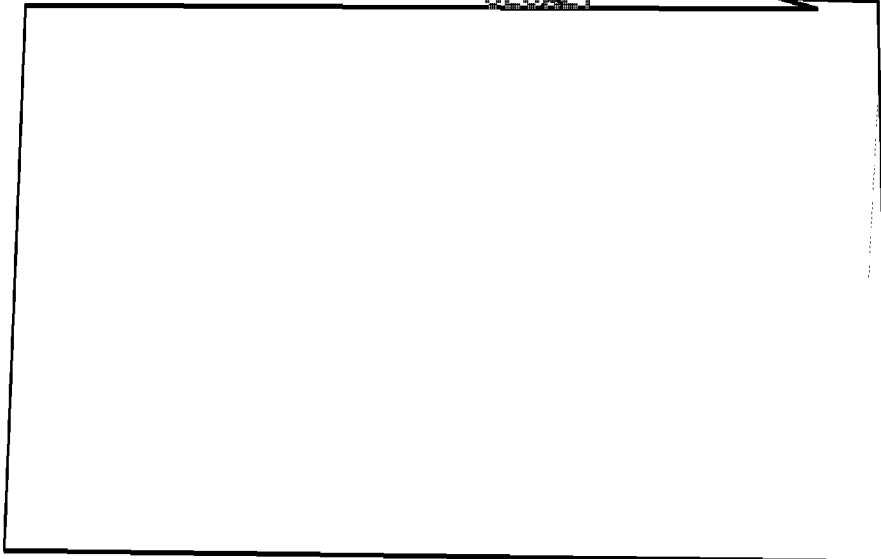
b2

b7A

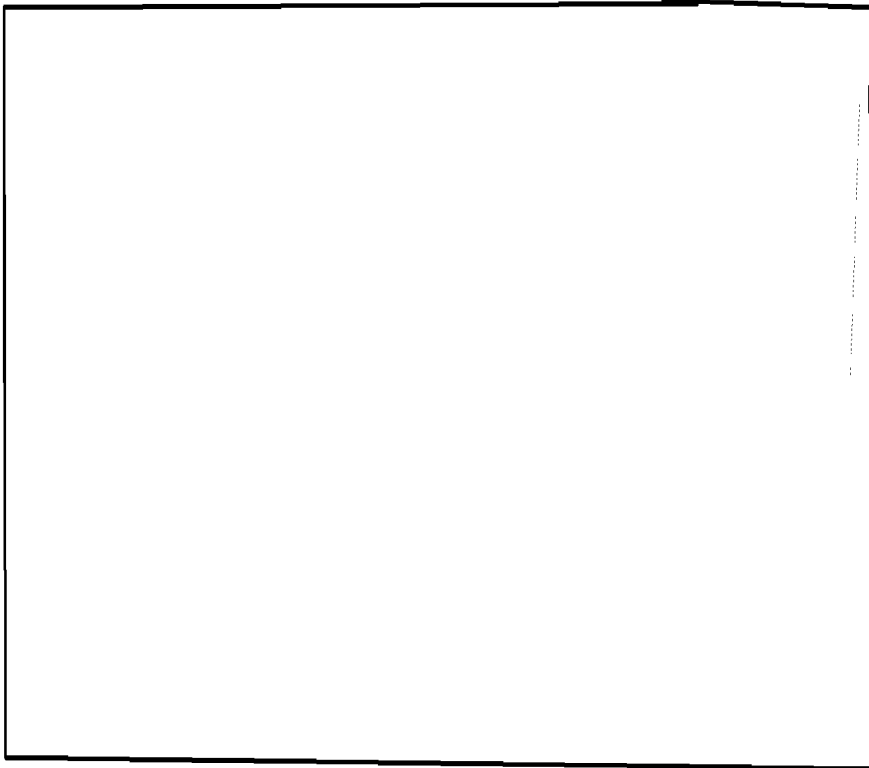
b7E

~~SECRET~~

~~SECRET~~



(S)



(S)

b1

b2

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b7E

~~SECRET~~

~~SECRET~~

(S)

b1

b2

b7E

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 11:26 AM
To: [REDACTED] (OCA) (FBI)
Subject: FW: [REDACTED] DIVISION PATRIOT ACT EXAMPLES

b6

b7C

b2

b7E

UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED # 05-CV-0845
 DATE 08-23-2005 BY 65179 DMH /JHE

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 11:24 AM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI);
 [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI);
 [REDACTED] (FBI)
Subject: [REDACTED] DIVISION PATRIOT ACT EXAMPLES

b2

b6

b7C

b7E

UNCLASSIFIED
NON-RECORD

Eleni,

[REDACTED] Division references your email dated March 17, 2005, concerning the request for reporting Division Patriot Act examples. In 2002, [REDACTED] implemented a tracking report regarding use of various Patriot Act provisions, which are noted in the attached two statistical reports.

If you have any questions, you may contact Paralegal Specialist [REDACTED] at [REDACTED]

b2

b6

b7C

b7E

UNCLASSIFIED

UNCLASSIFIED

Message

~~SECRET~~

Page 1 of 4

From: [redacted] (FBI)
Sent: Tuesday, March 29, 2005 7:47 AM
To: [redacted] (OCA) (FBI)
Cc: [redacted] (FBI); [redacted] (FBI); [redacted] (FBI); [redacted] (FBI)
Subject: RE: Follow-up re [redacted] Examples - Patriot Act

DATE: 09-19-2005
CLASSIFIED BY 65179 DMH/JHF
REASON: 1.4 (c)
DECLASSIFY ON: 09-19-2030

b2
b6
b7C
b7E

~~UNCLASSIFIED~~
~~NON-RECORD~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[redacted]

Please review the below (blue) responses you requested from the [redacted] Division concerning the Patriot Act. If you need further info, you may reach me at [redacted]

b2
b6
b7C
b7E

[redacted]
Paralegal Specialist
[redacted]

-----Original Message-----

From: [redacted] (OCA) (FBI)
Sent: Friday, March 25, 2005 1:44 PM
To: [redacted] (FBI); [redacted] (FBI)
Subject: Follow-up re [redacted] examples

b2
b6
b7C
b7E

~~UNCLASSIFIED~~
~~NON-RECORD~~

Thanks very much for your input re the Patriot Act. I have a couple of questions re the specific examples below, as follows:

b1
b2
b6
b7A
b7C
b7E

[Large redacted area]

(S)

(S)

~~SECRET~~

~~SECRET~~

(S)

b1
b2
b7A
b7E

(S)

~~SECRET~~

~~SECRET~~

(S)

b1
b2
b6
b7C
b7E

(S)

~~SECRET~~

~~SECRET~~



(S)

b1
b2
b6
b7C
b7E

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SECRET~~

DATE: 08-23-2005

CLASSIFIED BY: 65179 DMH /JHR 05-CV-0845

REASON: 1.4 (c)

DECLASSIFY ON: 08-23-2030

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

(S)

b1

b2

b7E

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Wednesday, March 30, 2005 7:55 AM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b6

b7C

~~UNCLASSIFIED~~
~~NON-RECORD~~

DATE: 09-19-2005
CLASSIFIED BY 65179 DMH/JHF
REASON: 1.4 (c)
DECLASSIFY ON: 09-19-2030

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Tuesday, March 29, 2005 5:44 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI)
Subject: Patriot Act Examples

b2

b6

b7C

b7E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~UNCLASSIFIED~~
~~NON-RECORD~~

Ms. Kalisch:

b2

By e-mail of 3/17/05, you asked for unclassified examples wherein specific Patriot Act provisions were used. The [REDACTED] Division was polled and the following are a summary of responses received.

b7E

With regard to the use of **Section 214**, which deals with FISA Pen Registers and Traps and Traces, that technique has been used in [REDACTED] cases with the following results:

(S)

b1

b2

b7E

~~SECRET~~

My apologies for submitting this late.



b2
b6
b7C
b7E

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SECRET~~

Message

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

Page 1 of 2

PER OGA LET. DTD. 8/30/05

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 24, 2005 6:31 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Declassification

b6
b7C

~~SECRET~~

~~UNCLASSIFIED~~
~~NON-RECORD~~

DATE: 08-23-2005
CLASSIFIED BY 65179 DMH / JHF 05-CV-0845
REASON: 1.4 (c)
DECLASSIFY ON: 08-23-2030

FYI

-----Original Message-----

From: Caproni, Valerie E. (OGC) (FBI)
Sent: Thursday, March 24, 2005 6:24 PM
To: BALD, GARY M. (DO) (FBI); PISTOLE, JOHN S. (DO) (FBI); SZADY, DAVID (CD) (FBI); BAGINSKI, MAUREEN A. (DO) (FBI); THOMAS, JULIE F. (OGC) (FBI); [REDACTED] (OGC) (FBI); BOWMAN, MARION E. (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI); BEREZNAY, TIMOTHY D. (CD) (FBI); HULON, WILLIE T. (CTD) (FBI); [REDACTED] (OI) (FBI)
Cc: KALISCH, ELENI P. (OCA) (FBI); CHANDLER, CASSANDRA M. (OPA) (FBI); STEELE, CHARLES M (DO) (FBI)
Subject: Declassification

b6
b7C

~~UNCLASSIFIED~~
~~NON-RECORD~~

In connection with the run up to the Patriot Act hearings, the AG would like to publically disclose some data. Please let me know if you have a view, pro or con, and how strongly you feel about the issue. This is what they want to disclose:

1. 215: how many times the authority has been used, and the number of times it has been used to obtain specific categories of information.

So you know, the answer is: it has been used precious little -- I am guessing less than [REDACTED] times. The primary category of information that has been obtained is [REDACTED] (S)

The one maybe dicey use was for [REDACTED] [REDACTED] [REDACTED] is confirming that order was eventually signed.]

b1
b2
b6
b7C
b7E

2. 215: how it hasn't been used. I don't know for sure, but I assume the AG would like to say we've never used it to get library or medical records.

3. FISA pen registers

a. The annual number of FISA pen registers.

b. A hypothetical explaining the benefits of pens. I don't have it yet, but more generally the question is: are FISA pens all that valuable? [REDACTED] but are they of much value to us?

4. The number of estimated person hours saved because of the longer renewal periods on FISAs. [OIPR is developing this number.]

The AGs office wants an answer by COB Friday, so please let me know ASAP.

~~SECRET~~

~~UNCLASSIFIED~~

Message

~~SECRET~~

Page 2 of 2

~~UNCLASSIFIED~~

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: [redacted] (FBI)
Sent: Monday, March 28, 2005 11:54 AM
To: [redacted] (OCA) (FBI)
Subject: RE: PATRIOT ACT EXAMPLES

DATE: 12-29-2005
CLASSIFIED BY: 65179DMH/BAW 05-cv-0845
REASON: 1.4 (c)
DECLASSIFY ON: 12-29-2030

b2
b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] I finally got a response, and was advised that #5 - jeopardizing an investigation, was the reason cited in both delayed notice warrants.

-----Original Message-----

From: [redacted] (OCA) (FBI)
Sent: Friday, March 25, 2005 11:23 AM
To: [redacted] (FBI)
Subject: FW: PATRIOT ACT EXAMPLES

b2
b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

[redacted] thanks very much for the examples below. Can you find out which of the [redacted] specific circumstances was cited in the delayed notice warrants?

(S) b1
b2
b7E

Pursuant to section 213, prosecutors can seek a judge's approval to delay notification by making a showing that if notification were made contemporaneous to the search, there is reasonable cause to believe one of the following might occur:

1. notification would reasonably endanger the life or physical safety of an individual;
2. notification would reasonably be expected to cause flight from prosecution;
3. notification would reasonably be expected to result in destruction of, or tampering with, evidence;
4. notification would reasonably result in intimidation of potential witnesses; or
5. notification would reasonably be expected to cause serious jeopardy to an investigation or unduly delay a trial.

Please call if you have questions. Thanks,

[redacted]
Office of Congressional Affairs

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 1:17 PM
To: [redacted] (OCA) (FBI)
Subject: FW: PATRIOT ACT EXAMPLES

b2
b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

-----Original Message-----

~~SECRET~~

~~SECRET~~

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 1:11 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: FW: PATRIOT ACT EXAMPLES

b2
b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

-----Original Message-----

~~**SENSITIVE BUT UNCLASSIFIED**~~
~~**NON-RECORD**~~

b2
b6
b7C
b7E

Per your E-mail request of March 17, 2005, attached please find unclassified examples of how various Patriot Act provisions have benefitted the [REDACTED] Division. Should you need additional information, the [REDACTED] Office Point of Contact is SSA [REDACTED] telephone number [REDACTED]

Sections 203 & 218 - Information Sharing

(S)

These sections provided new information sharing capabilities between criminal and intelligence investigations for foreign intelligence information and information obtained via a Title III electronic surveillance. The [REDACTED] has disclosed foreign intelligence information obtained through the interception of wire, oral, and electronic communications [REDACTED] to other federal law enforcement, intelligence, protective, immigration, national defense or national security officials in order to assist the official receiving the information in the performance of his/her official duties. A partial list of the recipients of this foreign intelligence information includes [REDACTED] the Bureau of Immigration and Customs Enforcement, [REDACTED] and the Defense Intelligence Agency. The foreign intelligence information shared was related to the national security and defense of the United States as well as clandestine intelligence activities by agents of a foreign power.

b1
b2
b7E

Section 212 - Voluntary Disclosures

(S)
b1
b2
b6
b7C
b7E

Section 213 - Delayed Notice of the Execution of a Warrant (Not a "sunset" provision, but examples were requested.)

(S)

b1
b2
b7E

(S)

~~SECRET~~

~~SECRET~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SECRET~~

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 1:17 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: PATRIOT ACT EXAMPLES

b6

b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

DATE: 09-19-2005
CLASSIFIED BY 65179 DMH/JHF 05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 09-19-2030

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 1:11 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: FW: PATRIOT ACT EXAMPLES

b2

b6

b7C

b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

-----Original Message-----

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b2

b6

b7C

b7E

Per your E-mail request of March 17, 2005, attached please find unclassified examples of how various Patriot Act provisions have benefitted the [REDACTED] Division. Should you need additional information, the [REDACTED] Office Point of Contact is SSA [REDACTED] telephone number [REDACTED]

Sections 203 & 218 - Information Sharing

(S)

These sections provided new information sharing capabilities between criminal and intelligence investigations for foreign intelligence information and information obtained via a Title III electronic surveillance. The [REDACTED] has disclosed foreign intelligence information obtained through the interception of wire, oral, and electronic communications [REDACTED] to other federal law enforcement, intelligence, protective, immigration, national defense or national security officials in order to assist the official receiving the information in the performance of his/her official duties. A partial list of the recipients of this foreign intelligence information includes [REDACTED] the Bureau of Immigration and Customs Enforcement [REDACTED] [REDACTED] and the Defense Intelligence Agency. The foreign intelligence information shared was related to the national security and defense of the United States as well as clandestine intelligence activities by agents of a foreign power.

b1

b2

b7E

Section 212 - Voluntary Disclosures

[REDACTED]

(S)

b1

b2

b6

Section 213 - Delayed Notice of the Execution of a Warrant (Not a "sunset" provision, but examples were

b7C

b7E

~~SECRET~~

~~SECRET~~

requested.)

(S)

(S)

The [] has [] and searches of [] based on orders provided by the U.S. Foreign Intelligence Surveillance Court, in which the notice of the execution of the respective search warrant was delayed [] the foreign intelligence obtained as a result of the search has provided extensive leads for each investigation and has led to the identification of other agents of a foreign power involved []

b1

b2

b7E

~~SENSITIVE BUT UNCLASSIFIED~~~~SENSITIVE BUT UNCLASSIFIED~~~~SENSITIVE BUT UNCLASSIFIED~~~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Monday, March 28, 2005 7:37 AM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Cyber Patriot Act Examples

b6

b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-23-2005 BY 65179 DMH / JHF 05-CV-0645

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

-----Original Message-----

From: [REDACTED] CyD) (FBI)
Sent: Friday, March 25, 2005 6:01 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: Cyber Patriot Act Examples

b6

b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Eleni,

Per your request, please see the attached from CyD.

Thanks, [REDACTED]

[REDACTED]

FBIHQ Cyber Division
Room 5853

[REDACTED] @ic.fbi.gov

b2

b6

b7C

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

Message

Page 1 of 2

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Monday, March 28, 2005 12:55 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples.. [REDACTED] Division

b2

b6

b7C

b7E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-23-2005 BY 65179 DMH / JHF 05-CV-0845

Importance: High

UNCLASSIFIED
NON-RECORD

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Monday, March 28, 2005 12:52 PM
To: KALISCH, ELENI P. (OCA) (FBI); [REDACTED] (OCA) (FBI)
Subject: Patriot Act Examples. [REDACTED] Division
Importance: High

b2

b6

b7C

b7E

UNCLASSIFIED
NON-RECORD

AD Kalisch-

The attached is being provided as a result of your solicitation of examples re the PATRIOT Act.

Regards-

[REDACTED]
ASAC [REDACTED]

b2

b7E

[REDACTED] Division has reviewed provisions of the Patriot Act for any examples of how these provisions have been helpful to us in our investigative programs. This review has found an example of Section 203 (Information Sharing), which was beneficial as described here below:

b2

b7E

Title III Intelligence Information-Sharing by Criminal Investigators:

Section 203: Amends Title III, 18 USC Section 2517 to add subsection (6), to permit disclosure of Title III information when the matter involves foreign intelligence or counterintelligence information "to any Federal law enforcement, intelligence, protective, immigration, national defense, or national security official...to assist the official who is to receive that information in the performance of his official duties."

In December 2004, ICE [REDACTED] provided FBI [REDACTED] with a Title III Application containing probable cause to believe that targeted subjects, and others yet unknown, have committed, are committing and will continue to commit offenses enumerated in Section 2516 of Title 18, USC, in violation of:

b2

b7E

(a) Title 18, USC, Section 2339 (A); providing material support to terrorists;

(b) Title 18, USC, Section 2339 (B); providing material support or resources to designated foreign terrorist organizations;

(c) Title 50, USC, Section 1701 et. al (Executive Order 13129 dated July 4, 1999 - International Emergency Economic Powers Act).

The above information was also disseminated to the appropriate CTD Units at FBIHQ. Once deconfliction was undertaken, it was determined by CTD that this information should initially be utilized [REDACTED]

[REDACTED] These coverages have been initiated by the [REDACTED] Division JTTF, which has assigned this investigative matter to an ICE SA, and is being jointly worked by FBI, ICE, and TFOs from other JTTF law enforcement entities.

b2

b7E

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

(both pgs)

PER OGA LET. DTD. 8/30/05

The [] Division has recently brought a pending international terrorism investigation to a new level with the arrest of the main subject and two associates. The arrests were based on indictments which had until recently, been sealed. The indictment charges the subjects with violations including Immigration Fraud, Distribution of Drug Paraphernalia, Money Laundering, Bank Fraud and Conspiracy. A charge of Providing Material Support to a Terrorist Organization is being held in abeyance at this time []

b2
b7E

This investigation commenced two years ago based on information that the subject had arrived in the United States on a fraudulent immigrant visa and that the subject associated with the subjects of pending terrorism investigations in the [] Division. Shortly after [] initiated this investigation, information was provided to the FBI liaison to the [] JTTE

b1
b2
b7E

(S)

(S)

The main subject and two associates were recently arrested. With the threat of a long incarceration, seizure of assets followed by subsequent deportation, []

b2
b7E

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

~~SECRET~~

b1
b2
b7E

[REDACTED]
video-recorded and [REDACTED]
assigned to the [REDACTED]

JTTF.

(S)

During the course of this investigation, all logical and necessary tools authorized under the USA PATRIOT Act were utilized to bring this investigation to a very favorable point at this time. [REDACTED]

b1
b2
b7E

were utilized as were Federal Grand Jury subpoenas, FGJ testimony and subsequent indictment and arrest which proved successful in causing the subject to provide [REDACTED]
[REDACTED]
[REDACTED]

(S)

(S)

POC for more information: SSA [REDACTED]

b6
b7C

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 2:30 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples - [REDACTED] Division

b2

b6

b7C

b7E ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-24-2005 BY 65179 DMH / JHF 05-CV-0845

Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b2

b6

b7C

b7E

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 2:14 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI)
Subject: Patriot Act Examples - [REDACTED] Division
Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b2

b6

b7C

Eleni,

As [REDACTED] I am the POC for all USA Patriot Act-related matters for [REDACTED]. Please find below a synopsis of instances in which the [REDACTED] Division has utilized Patriot Act provisions, per your email request of March 18, 2005:

Section 206 (Roving Wiretaps) - [REDACTED]

b2

b7E

Section 213 (Delayed Notice Search Warrants) - [REDACTED]

b2

b7A

b7E

[REDACTED] NOTE: THIS CASE IS STILL CONTINUING IN A GROUP 1 UNDERCOVER STATUS AND CANNOT BE PUBLICLY REVEALED PRIOR TO INDICTMENT.

Section 217 (Computer Hacking victims requesting law enforcement assistance) - [REDACTED]

b2

b7A

b7E

This provision allowed access to much more information from the victim than would have likely been received prior to its implementation without a search warrant.

Section 220 (Nationwide Search Warrants for Electronic Evidence) - [REDACTED] has issued dozens of out-of-district ISP search warrants since October 2001. [REDACTED]

b2

b7A

b7E

[REDACTED] NOTE: THIS CASE IS STILL CONTINUING AND CANNOT BE PUBLICLY REVEALED PRIOR TO INDICTMENT.

Other warrants have been utilized to obtain information regarding Innocent Images/Child Pornography matters, as well as evidence of cyber intrusions.

b6
b7C

Obviously the fact that these examples have to be written up in an UNCLAS format has hindered our ability to detail exactly what the PATRIOT act provisions have enabled us to do since October 2001. Although you're probably already aware of this fact, some of these examples were previously provided to OGC attorney [REDACTED] [REDACTED] Investigative Law Unit, who should have a plethora of illustrations you can use.

Please let me know if [REDACTED] can assist in any other way.

[REDACTED]

b2
b6
b7C
b7E

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-24-2005 BY 65179 DMH / JHF 05-CV-0845

b2

b6

b7C

b7E

From: [REDACTED] (FBI)
Sent: Monday, March 28, 2005 11:49 AM
To: [REDACTED] (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED]
(FBI)
Subject: RE: Patriot Act Examples - [REDACTED] Division

Importance: High

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

b6

b7C

Circumstances 1, 3, 4 and 5 were cited in the affidavit as constituting a reasonable basis for the delay. I have included the pertinent paragraph from the affidavit for your reference.

Please let me know if you need any further information.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2

b6

b7C

b7E

DATE: 12-29-2005
CLASSIFIED BY 65179dmh/baw 05-cv-0845
REASON: 1.4 (C)
DECLASSIFY ON: 12-29-2030

Reasonable Cause For Delay In Notification

57. As noted above, reasonable cause for delay in notification of the execution of a search warrant is established if it is shown that notification at the execution of the warrant may have an adverse result, to include endangering the life or physical safety of an individual; flight from prosecution; destruction of or tampering with evidence; intimidation of potential witnesses; or otherwise seriously jeopardizing an investigation. The reasons in the instant case include, but are not limited to the following. Notice of the search at the time of the execution of the warrant is likely to place the cooperating witnesses and undercover agents in substantial danger. For example, [REDACTED] after cooperating in an earlier investigation, reported that [REDACTED] Persons involved in criminal activity in [REDACTED] have historically intimidated witnesses to prevent their cooperation with federal law enforcement agencies, to include threats of destruction of property and physical harm. Notice will allow the subjects of the investigation the opportunity to tamper with and destroy evidence, to include evidence of the payments made to local law enforcement officials and the disposition of proceeds of the illegal activities. Further, notice of the execution of the warrant at the time of its execution is likely to foreclose the future use of UCAs in the investigation, seriously jeopardizing the investigation.

b2

b6

b7C

b7D

b7E

-----Original Message-----

From: [REDACTED] (OCA) (FBI)
Sent: Friday, March 25, 2005 2:35 PM
To: [REDACTED] (FBI)
Subject: FW: Patriot Act Examples - [REDACTED] Division
Importance: High

b2

b6

b7C

b7E

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

(S)

b1

b5

b6

b7C

[REDACTED] - in the delayed notice case, [REDACTED]
[REDACTED] (We won't describe your case, but we're trying to tally how many times we're citing to the specific circumstances). Thanks,

Pursuant to section 213, prosecutors can seek a judge's approval to delay notification by making a

~~SECRET~~

~~SECRET~~

showing that if notification were made contemporaneous to the search, there is reasonable cause to believe one of the following might occur:

1. notification would reasonably endanger the life or physical safety of an individual;
2. notification would reasonably be expected to cause flight from prosecution;
3. notification would reasonably be expected to result in destruction of, or tampering with, evidence;
4. notification would reasonably result in intimidation of potential witnesses; or
5. notification would reasonably be expected to cause serious jeopardy to an investigation or unduly delay a trial.

[Redacted]

Office of Congressional Affairs

[Redacted]

b2

-----Original Message-----

b6

From: KALISCH, ELENI P. (OCA) (FBI)

b7C

Sent: Friday, March 25, 2005 2:30 PM

To: [Redacted] (OCA) (FBI)

b7E

Subject: FW: Patriot Act Examples - [Redacted] Division

Importance: High

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

-----Original Message-----

b2

From: [Redacted] (FBI)

b6

Sent: Friday, March 25, 2005 2:14 PM

b7C

To: KALISCH, ELENI P. (OCA) (FBI)

Cc: [Redacted] (FBI); [Redacted] (FBI); [Redacted] (FBI); [Redacted] (FBI)

b7E

Subject: Patriot Act Examples [Redacted] Division

Importance: High

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

b2

Eleni,

b6

b7C

As [Redacted] I am the POC for all USA Patriot Act-related matters for [Redacted] Please find below a synopsis of instances in which the [Redacted] Division has utilized Patriot Act provisions, per your email request of March 18, 2005:

b7E

Section 206 (Roving Wiretaps) - In January - May 2004, FBI [Redacted] repeatedly utilized this provision to [Redacted]

b2

b7E

Section 213 (Delayed Notice Search Warrants) - [Redacted]

b2

b7A

b7E

~~SECRET~~

~~SECRET~~

[REDACTED] NOTE: THIS CASE IS STILL CONTINUING IN A GROUP I UNDERCOVER STATUS AND CANNOT BE PUBLICLY REVEALED PRIOR TO INDICTMENT.

b7A
b7E

Section 217 (Computer Hacking victims requesting law enforcement assistance) - [REDACTED]

[REDACTED] This provision allowed access to much more information from the victim than would have likely been received prior to its implementation without a search warrant.

b2
b7A
b7E

Section 220 (Nationwide Search Warrants for Electronic Evidence) - [REDACTED] has issued dozens of out-of-district ISP search warrants since October 2001. [REDACTED]

[REDACTED] NOTE: THIS CASE IS STILL CONTINUING AND CANNOT BE PUBLICLY REVEALED PRIOR TO INDICTMENT.

b2
b7A
b7E

Other warrants have been utilized to obtain information regarding Innocent Images/Child Pornography matters, as well as evidence of cyber intrusions.

Obviously the fact that these examples have to be written up in an UNCLAS format has hindered our ability to detail exactly what the PATRIOT act provisions have enabled us to do since October 2001. Although you're probably already aware of this fact, some of these examples were previously provided to OGC attorney [REDACTED] Investigative Law Unit, who should have a plethora of illustrations you can use.

b6
b7C

Please let me know if [REDACTED] can assist in any other way.

[REDACTED]

b2
b6
b7C
b7E

~~SENSITIVE BUT UNCLASSIFIED~~

~~SECRET~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

Message

Page 1 of 3

From: [REDACTED] (FBI)
Sent: Monday, March 21, 2005 5:22 PM
To: [REDACTED] (OCA) (FBI)
Subject: RE: Patriot Act Examples

b2
b6
b7C
b7E

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-24-2005 BY 65179 DMH /JHF 05-CV-0845

UNCLASSIFIED
NON-RECORD

They are all unclassified - although sensitive. I am going to run the complete list past everyone here one more time and if there are any changes, then I will send them to you tomorrow.

-----Original Message-----

From: [REDACTED] (OCA) (FBI)
Sent: Monday, March 21, 2005 1:36 PM
To: [REDACTED] (FBI)
Subject: RE: Patriot Act Examples

b2
b6
b7C
b7E

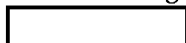
UNCLASSIFIED
NON-RECORD

[REDACTED] this is great. Before you head out, what is [REDACTED] position re the classification of the information contained in the write-up you provided?

b2
b6
b7C
b7E



Office of Congressional Affairs



b2
b6
b7C

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Monday, March 21, 2005 4:13 PM
To: [REDACTED] (FBI)
Cc: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

[REDACTED]
This is very helpful. If we need additional information, OCA [REDACTED] will contact you.
Thanks,
Eleni

b2

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Monday, March 21, 2005 3:57 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: RE: Patriot Act Examples

b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Eleni,

b2

b7E

I am going to be the POC on this for the [redacted] Division. Attached is a draft that I have compiled from our agents. Would you mind taking a look at it and letting me know if you need more details or anything else. Otherwise, I will forward a very similar final draft to you tomorrow. I will be out of the office from 3/23 through 3/30.

Thanks.

[redacted]
[redacted] Division
[redacted]

b2

b6

b7C

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 9:07 AM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [redacted]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Monday, March 21, 2005 4:13 PM
To: [REDACTED] (FBI)
Cc: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-24-2005 BY 65179 DMH / JHF 05-CV-0845

UNCLASSIFIED
NON-RECORD

[REDACTED]
This is very helpful. If we need additional information, OCA [REDACTED] will contact you.
Thanks,
Eleni

b2

b6

b7C

b7E

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Monday, March 21, 2005 3:57 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: RE: Patriot Act Examples

UNCLASSIFIED
NON-RECORD

Eleni,

b2

I am going to be the POC on this for the [REDACTED] Division. Attached is a draft that I have compiled from our agents. Would you mind taking a look at it and letting me know if you need more details or anything else. Otherwise, I will forward a very similar final draft to you tomorrow. I will be out of the office from 3/23 through 3/30.

b7E

Thanks.

b2

b6

b7C

b7E

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 9:07 AM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 08-30-2005
CLASSIFIED BY 65179 dmh /jhf 05-cv-0845
REASON: 1.4 (C , D)
DECLASSIFY ON: 08-30-2030

b1
b2
b6
b7A
b7C
b7E

Roving FISA surveillance (§§ 206):

(S)

Voluntary disclosure by ISP in emergencies (§§ 212):

(S)

b1
b2
b6
b7A
b7C
b7E

(S)

~~SECRET~~

~~SECRET~~

Section 214 - FISA Pen/Trap Authority

[Redacted]

(S)

b1

b2

[Redacted]

(S)

b6

b7A

b7C

b7E

Monitoring communications of computer trespassers with victim consent (§§ 217):

[Redacted]

(S)

b1

b2

b6

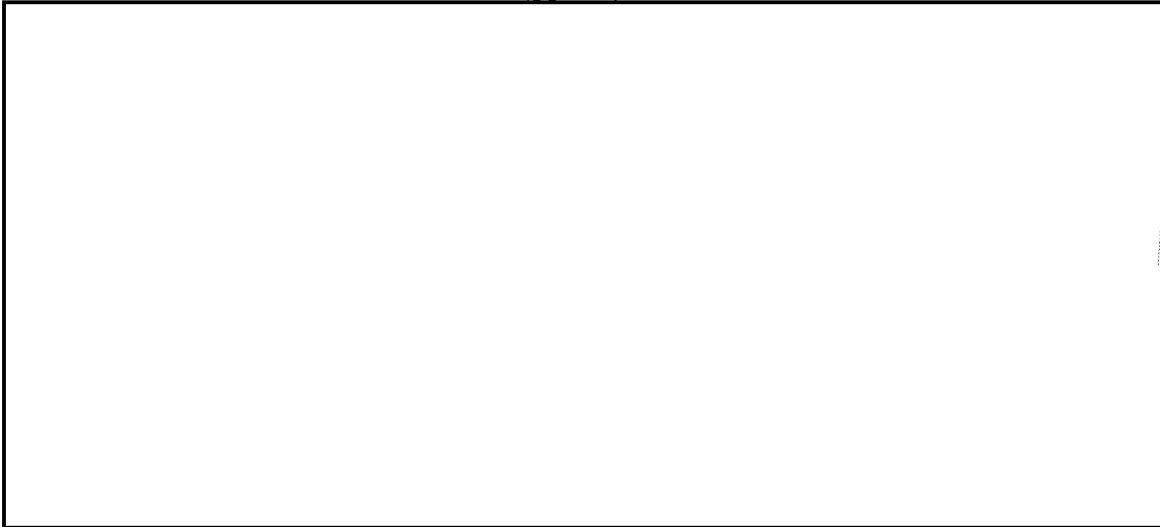
b7C

b7E

~~SECRET~~

~~SECRET~~

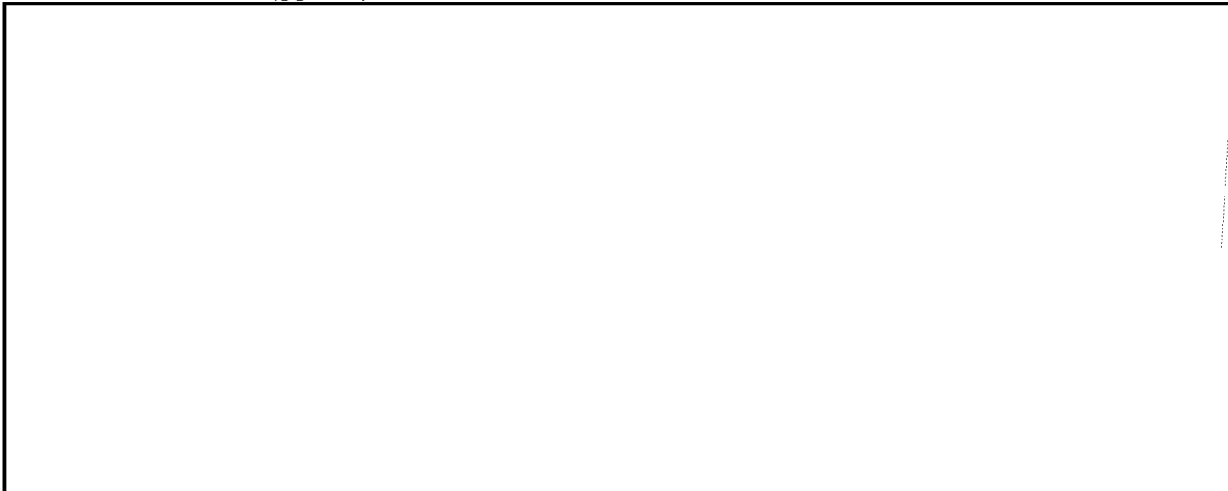
Nationwide search warrants for email (§§ 220):



(S)

b1
b2
b6
b7C
b7E

Immunity from civil liability for those persons giving the FBI information in compliance with a FISA order (§§ 225):



(S)

b1
b2
b6
b7A
b7C
b7E

~~SECRET~~

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Wednesday, March 23, 2005 1:00 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b6

b7C

DATE: 09-20-2005
CLASSIFIED BY 65179 DMH/JHF 05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 09-20-2030

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Wednesday, March 23, 2005 12:56 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI)
Subject: Patriot Act Examples

b2

b6

b7C

b7E

~~SENSITIVE BUT UNCLASSIFIED~~
~~NON-RECORD~~

Eleni,

(S)

b2

b7E

In response to your e-mail disseminated to the filed, dated 03/17/2005, concerning feedback on the utility of the Patriot Act sunset provisions, [REDACTED] after canvassing all relevant squads, responds as follows:

b1

Since the inception of the Patriot Act, the [REDACTED] JTTF [REDACTED] JTTF has [REDACTED] instances of use of the Expanded Title III Predicates (sections 201 and 202), Roving Wiretaps (section 206) or Computer Hacking Victims Requesting Law Enforcement Assistance (section 217). All pen registers currently and in the past three years that are being utilized by the [REDACTED] JTTF are being done via criminal justification.

b2

b7E

b2

b7A

b7E

(S)

The most common use of the Patriot Act on the [REDACTED] JTTF is for disseminating information in ACS that is terrorism related to state and local law enforcement (sections 203 and 218). To date, the [REDACTED] JTTF has provided information to [REDACTED] or [REDACTED] occasions. The [REDACTED] JTTF also coordinates information sharing with BICE, the Department of Homeland Security, the US Marshals, DEA, IRS, FAM, Air Force OSI, the US Secret Service, the [REDACTED] Attorney Generals Office, and [REDACTED] Police Departments under the same Patriot Act sections (203 and 218).

b1

b2

b7C

b7E

The [REDACTED] Division has been conducting a significant Bribery, Graft and Conflicts of Interest Title 18 U.S.C. Section 201 investigation involving large amounts of money laundering. [REDACTED]

[REDACTED] maintained corrupt relationships with [REDACTED] public officials designed to protect and enhance [REDACTED] financial interests. Due to the high profile nature of this case and the impact on [REDACTED] the [REDACTED] Division requested a USA Patriot Act Section 314 (a) disclosure of all banks with accounts, safe deposit boxes, and other 314(a) regarding our subjects in the case. In consultation with the Division's CDC and the United States Attorney's Office, it was decided that utilization of the Patriot Act provisions relating to money laundering would benefit the investigation. Although some publicity resulted from the requests made of the financial institutions, the resulting information was significant to the investigation. The overall outcome was positive and resulted in similar requests by other divisions to utilize the Patriot Act [REDACTED]

b2

b6

b7C

b7E

We hope this feedback, when coupled with input from other field offices, will aid in our preservation of the essential sunset provisions of the Patriot Act.

SSA [REDACTED]

b6

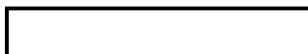
b7C

~~SECRET~~

Message

~~SECRET~~

Page 2 of 2



b2

b6

b7C

b7E

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SECRET~~

~~SECRET~~

From: [redacted] (FBI)
Sent: Tuesday, March 29, 2005 12:11 PM
To: [redacted] (OCA) (FBI)
Cc: [redacted] (FBI)
Subject: Use of the Patriot Act

b2
b6
b7C
b7E

~~SECRET~~
~~RECORD~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

b2
b7A
b7E
b6 , b7C

DATE: 08-25-2005
CLASSIFIED BY 65179 DMH / JHF 05-CV-0845
REASON: 1.4 (C , D)
DECLASSIFY ON: 08-25-2030

Summerized below are several [redacted] Division cases where the use of the Patriot was an advantage for our investigations:

b2
b7E

(S)

b1
b2
b6
b7A
b7C
b7E

~~SECRET~~

~~SECRET~~

(S)

b1
b2
b7A
b7E

During our weekly JTTF meetings we brief all cleared members with the most current intelligence which might affect our area as well as intelligence on terrorist plans and activities.

If you need any other information, please give me a call at [REDACTED] Thanks ASAC [REDACTED]

b2
b7E

~~DERIVED FROM: G-3 FBI Classification Guide G-3, dated 1/97, Foreign Counterintelligence Investigations~~
~~DECLASSIFICATION EXEMPTION 1~~
~~SECRET~~

Thanks [REDACTED]
ASAC [REDACTED]
[REDACTED]

b2
b7E

~~DERIVED FROM: Multiple Sources~~
~~DECLASSIFY ON: 20150329~~
~~SECRET~~

~~SECRET~~

~~SECRET~~

EXAMPLES OF PATRIOT ACT USED BY FBI [REDACTED]

b2

b7E

Section 212 - EMERGENCY DISCLOSURE OF EMAIL AND RECORDS BY ISPs

174A [REDACTED]-66039

FBI [REDACTED] Comm Center received a bomb threat at 3:00 a.m. on 8/5/2004. After clarifying that the bomb threat was to the local airport and that the FBI had until noon to meet the caller's demands, FBI [REDACTED] JTTF Agents began tracing the caller id of the bomb threat. Investigation showed [REDACTED] The [REDACTED] provided investigators with [REDACTED] along with the date and time of registration of the individual who was responsible for making the bomb threat. **To obtain the subscriber information to actually identify this individual, an emergency disclosure, as per the Patriot Act, was instituted with [REDACTED] used by the individual who made the bomb threat.** By 7:00 a.m., a subject in [REDACTED] was identified. FBI [REDACTED] conducted a subject interview and the threat was determined to be non-credible by 11:00 a.m.

b2

b7E

(S)

b1

b2

b7A

b7E

DATE: 12-03-2005
CLASSIFIED BY 61579DMH/LP/DFW
REASON: 1.4 ((c)) 05-CV-0845)
DECLASSIFY ON: 12-03-2030

~~SECRET~~

Section 217 - INTERCEPTION OF COMPUTER
TERSPASSER COMMUNICATIONS



b2
b6
b7A
b7C
b7E

Section 220 - NATIONWIDE SEARCH WARRANTS FOR
ELECTRONIC EVIDENCE



b2
b6
b7A
b7C
b7E

~~SECRET~~

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 1:07 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: PATRIOT ACT Sunset Provisions

DATE: 09-20-2005
 CLASSIFIED BY 65179 DMH/JHF 05-CV-0845
 REASON: 1.4 (C)
 DECLASSIFY ON: 09-20-2030

b6
 b7C

~~UNCLASSIFIED~~
~~NON-RECORD~~

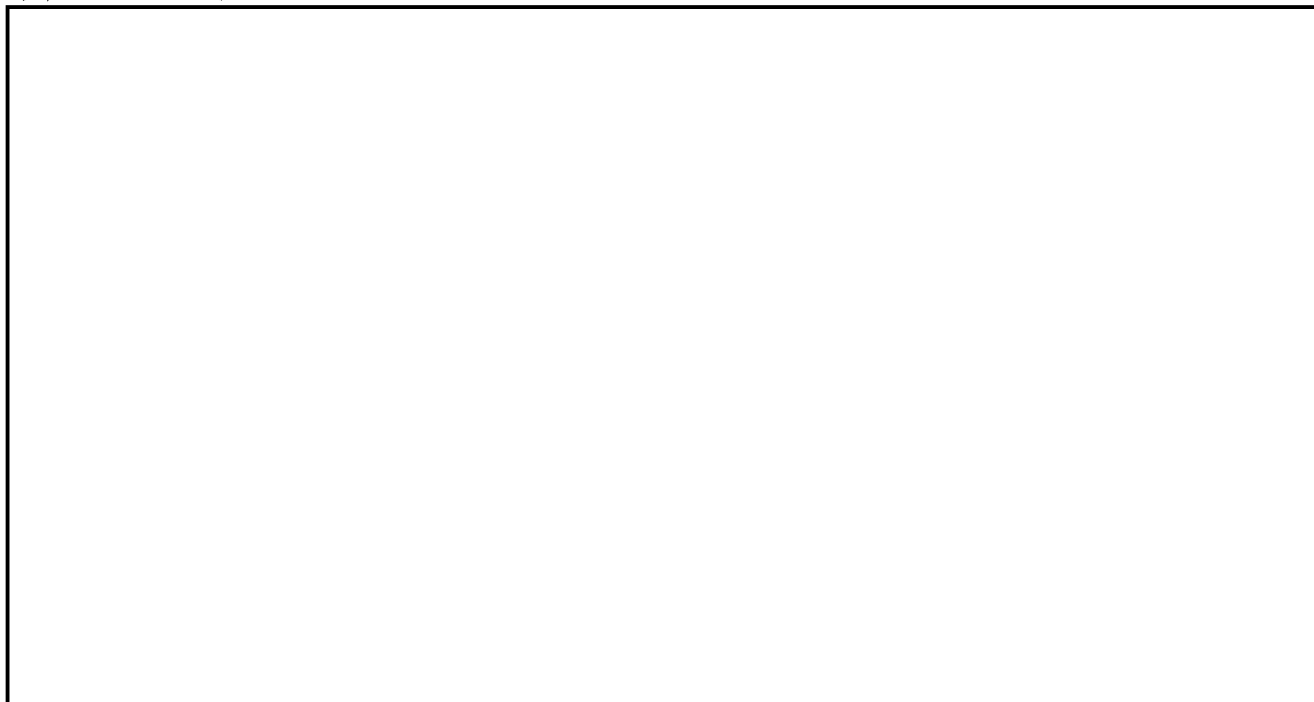
ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED EXCEPT
 WHERE SHOWN OTHERWISE

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 1:04 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI)
Subject: PATRIOT ACT Sunset Provisions

b2
 b6
 b7C
 b7E

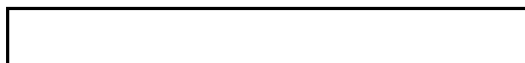
~~UNCLASSIFIED~~
~~NON-RECORD~~



(S)

b1
 b2
 b7E

Point of Contact:



b2
 b6
 b7C
 b7E

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

---(C)

DATE: 08-29-2005
CLASSIFIED BY 65179 DMH / JHF 05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 08-29-2030

PATRIOT ACT SUNSET PROVISIONS

CID EXAMPLES OF THE NEED FOR PATRIOT ACT SECTIONS 203 AND 218 (INFORMATION SHARING)

Experience has taught the FBI that there are no neat dividing lines that distinguish criminal, terrorist, and foreign intelligence activity. Criminal, terrorist and foreign intelligence organizations and acts are often interrelated or interdependent. FBI files are full of examples of investigations where information sharing between counterterrorism, counterintelligence and criminal intelligence efforts and investigations was essential to the FBI's ability to protect the United States from terrorists, foreign intelligence activity and criminal activity. Some of these examples which support the need for continued information sharing between criminal, counterterrorism and counterintelligence efforts are set forth below:

b2

b7A

b7E

A. Transnational Criminal Enterprises

1.

[Redacted]

[Redacted]

Ongoing.

2.

[Redacted]

[Redacted]

b2

b7A

b7E

Ongoing.

3. Alien Smuggling

[Redacted]

DATE: 12-03-2005
CLASSIFIED BY 61579DMH/LP/DFW
REASON: 1.4 ((C) 05-CV-0845)
DECLASSIFY ON: 12-03-2030

~~SECRET~~

b2

b7E

~~SECRET~~

b2
b7E

[Redacted]

The following are examples of criminal intelligence developed and disseminated on alien smuggling matters:

b2
b6
b7A
b7C
b7E

a. [Redacted] FBI [Redacted]

[Redacted]

b. [Redacted] FBI [Redacted]

b2
b7A
b7E

[Redacted]

c. [Redacted]

[Redacted]

d. [Redacted] FBI [Redacted]

[Redacted]

b1
b2
b6
b7A
b7C
b7D
b7E

[Redacted]

(S)

4. [Redacted]

[Redacted]

b2 , b6, b7A, b7C, b7E

~~SECRET~~

~~SECRET~~

b2

b6

b7A

b7C

b7E

5. [REDACTED]

[REDACTED]

[REDACTED]

[REDACTED] Ongoing.

6. [REDACTED]

[REDACTED]

b2

b7E

7. [REDACTED]

[REDACTED]

[REDACTED]

b2

b7A

b7E

the arrest, indictment and subsequent deportation of the subjects from Hong Kong to [REDACTED]
The charges included narcotics violations and providing material support to Al Qaeda.

8. [REDACTED]

[REDACTED]

[REDACTED] Ongoing.

b2

b6

b7A

b7C

b7E

9. [REDACTED]

[REDACTED]

b2

b7A

b7E

10. [REDACTED]

b2 , b7A, b7E

[REDACTED]

b2

b7E

~~SECRET~~

~~SECRET~~

[REDACTED]

b2
b6
b7A
b7C
b7E

B. Americas Criminal Enterprises (drugs/gangs/major theft enterprises)

1. [REDACTED] (199M [REDACTED] 280706) (281H [REDACTED] -281341)

[REDACTED]

Investigation began as a Pentbomb lead concerning [REDACTED] in [REDACTED]
[REDACTED] was identified and determined to be a Taliban/Al Qaeda associate. He was a
financial contributor to the Taliban and [REDACTED] where
drug trafficking took place. He filed a fraudulent death claim for [REDACTED] with an insurance
company and was convicted of mail fraud. One of his employees was located in [REDACTED] and
deported after a drug conviction.

b2
b6
b7C
b7E

2. [REDACTED]

[REDACTED]

b2
b7A
b7E

3. [REDACTED]

[REDACTED]
[REDACTED] Ongoing

b2
b6
b7A
b7C
b7E

4. [REDACTED]

[REDACTED]
[REDACTED] Ongoing.

b2
b7A
b7E

5. [REDACTED]

[REDACTED]
[REDACTED] Ongoing.

b2
b6
b7A
b7C
b7E

~~SECRET~~

~~SECRET~~

b2
b7A
b7E

C. White Collar Crimes

1. Unlawful Redemption [redacted] 265C [redacted] 42132 [redacted]
265F [redacted] (282769)

b2
b6
b7A
b7E

Ongoing.

2. [redacted]

b2 , b7A, b7E

b2
b6
b7A
b7C
b7E

3. [redacted] (272 [redacted] 97082)

b2 , b6, b7C, b7E

A drug/money laundering investigation identified subjects in Colombia, Spain, England and U.S., including a subject affiliated with the United Self-Defense Forces of Colombia (AUC), which is a recognized Foreign Terrorist Organization. Subject wants to purchase a bank in the U.S. to facilitate laundering of drug proceeds. Ongoing.

4. [redacted]

b2 , b7A, b7E

b2
b7A
b7E

[redacted]
[redacted] Ongoing

5. Express Cleaners (272D [redacted] 40807)

b2
b7E

Investigation determined subjects were in position to launder millions through a location outside the U.S. through Lebanese and Saudi Arabian banks. The money would be returned to U.S. "clean" for a 20% fee. Two subjects identified had links to terrorists or terrorist activities.

b2 , b6, b7A, b7C, b7E

6. [redacted]

[redacted]

~~SECRET~~

b2
b7A
b7E

~~SECRET~~

b2 b6, b7C, b7E

7. [REDACTED]

[REDACTED]

b2
b6
b7A
b7C
b7E

8. [REDACTED]

b2 , b6, b7C, b7E

[REDACTED]

b2
b7A
b7E

[REDACTED]

Ongoing. b2 , b6, b7A, b7C, b7E

9. [REDACTED]

[REDACTED]

(S)
b1
b2
b7A
b7E

10. [REDACTED]

b2 , b6, b7A, b7C, b7E

[REDACTED]

b2
b6
b7A
b7C
b7E

[REDACTED]

Ongoing.

11. [REDACTED]

b2 , b6, b7A, b7C, b7E

[REDACTED]

b2
b7A
b7E

12. [REDACTED]

b6 , b7A, b7C

[REDACTED]

b6
b7A
b7C

~~SECRET~~

~~SECRET~~

[Redacted]

b2
b7A
b7D
b7E

D. Public Corruption

1. [Redacted]

b2 , b7A, b7E

[Redacted]

b2
b7A
b7D
b7E

[Redacted]

Ongoing.

2. [Redacted]

b7A

[Redacted]

b2
b7A
b7E

b2
b6
b7A
b7C
b7E

3. [Redacted] (265B [Redacted] 42623, [Redacted])

[Redacted]

b2
b6
b7A
b7C
b7E

Ongoing.

E. Civil Rights

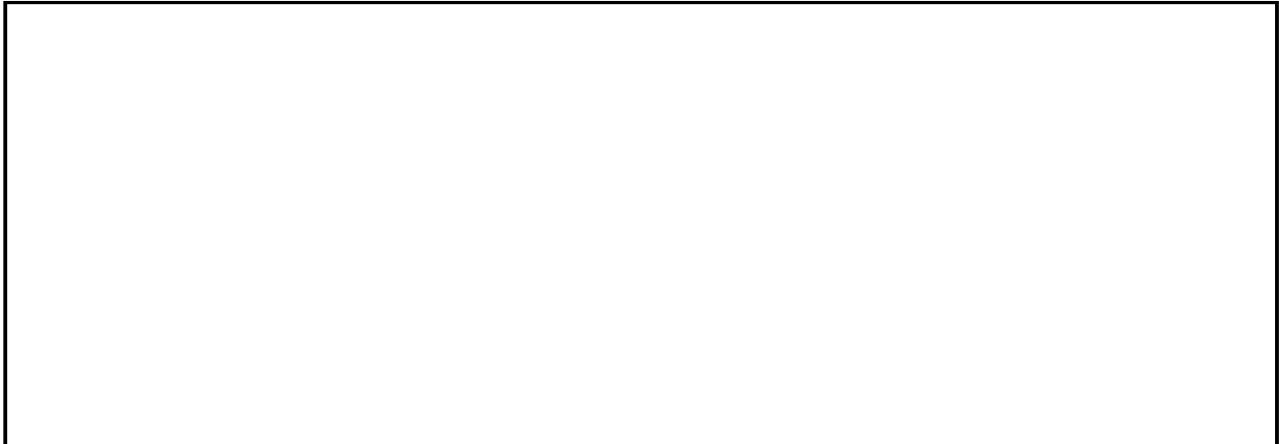
1. Human Trafficking Investigations

Target organizations who traffic in aliens to be used as domestic servants, prostitutes and migrant workers. Investigations also develop foreign intelligence information.

~~SECRET~~

PATRIOT ACT SUNSET PROVISIONS

CID EXAMPLES OF THE NEED FOR PATRIOT ACT SECTIONS 203 AND 218 (INFORMATION SHARING)



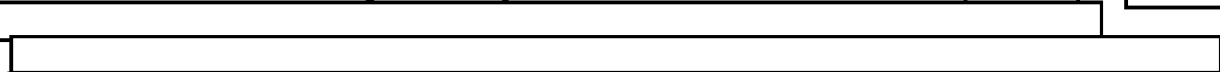
b5



b2

b5

[REDACTED] In one such case, information from a criminal
Title III and criminal investigation was passed to Counterterrorism, as well as [REDACTED] and [REDACTED]



[REDACTED] In another example, intelligence
developed from criminal and counterintelligence investigations indicates foreign intelligence
services and organized crime groups may be laundering billions of dollars through the U.S.
banking system.



b2

b7E

In one instance, a terrorism case initiated in [REDACTED] was subsequently
transferred to [REDACTED] and converted to a criminal case. The investigation focused on a group
of [REDACTED] individuals who were involved in arms trafficking, the production and

b2

b7E

distribution of multi-ton quantifies of hashish and heroin [REDACTED]

[REDACTED]
[REDACTED] The operation resulted in the arrest, indictment and subsequent deportation of the subjects from Hong Kong to [REDACTED] to face drug charges and charges of providing material support to Al Qaeda.

b2

b7E

[REDACTED]

Criminal enterprises are also frequently involved in, allied with or otherwise rely on smuggling operations. Alien smugglers frequently use the same routes used by drug and contraband smugglers and do not limit their smuggling to aliens, smuggling anything or anyone for the right price. Terrorists can take advantage of these smuggling routes and smuggling enterprises to enter the U.S. and are willing to pay top dollar to smugglers. Intelligence developed in these cases also frequently identifies corrupt U.S. and foreign officials who facilitate smuggling activities. Current intelligence, based on information sharing between criminal, counterterrorism, and counterintelligence efforts, has determined smugglers, as well as illegitimate and quasi-legitimate business operators in the United States, who use the services of illegal aliens, provide false travel documents to special interest aliens, deal with corrupt foreign officials, and financially support extremist organizations.

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Wednesday, March 16, 2005 5:31 PM
To: [REDACTED] (OCA) (FBI)
Subject: Patriot Act Examples

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-29-2005 BY 65179 DMH /JHF 05-CV-0845

b6

b7C

UNCLASSIFIED
NON-RECORD

[REDACTED] Please review the following e-mail that I want to send to all ADICs/SACs. [REDACTED]
[REDACTED] Thanks.

b5

b6

b7C

As the Director mentioned at the SAC Conference yesterday, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]
[REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Of particular interest are examples of Sections 203 and 218 (Information Sharing), 206 (Roving Wiretaps), 214 (FISA Pen Register and Trap/Trace), and 215 (Business Records).

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

Thank you for your assistance. Please contact me if you have any questions.

Eleni

UNCLASSIFIED

PATRIOT ACT - SUNSET EXEMPLARS
FBI [REDACTED]
(03/24/2005)

b2
b7E

Sections 201 and 202 (Expanded Title III Predicates)

Nothing to report.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-29-2005 BY 65179 DMH / JHF 05-CV-0845

Sections 203 and 218 (Information Sharing)

[REDACTED] (Pending)

CASE AGENTS: [REDACTED]

b2

Due to Patriot Act provisions, FBI [REDACTED] shared Grand Jury
information with [REDACTED]

b6

b7A

[REDACTED] This was very useful in
[REDACTED]

b7C

b7E

315M-[REDACTED]-89387 (Pending)

AOT-IT

CASE AGENT: [REDACTED]

b2

[REDACTED]
[REDACTED] Search warrants were prepared in
Washington and served on [REDACTED]
Information obtained from search warrants, pen registers/trap
traces, and Grand Jury Subpoena were shared with the United
States Army and the Judge Advocate General for the Army. The
same information was used in a Court Marshal in which
[REDACTED] was found guilty and sentenced to life in prison.

b6

b7C

b7E

b2

315N-[REDACTED]-85481 (Closed)

b6

[REDACTED] (Pending)

b7A

IT-UBL/AL-QAEDA

b7C

CASE AGENT: [REDACTED]

b7E

Section 203(d): Authorized sharing of criminal information with
intelligence officials. [REDACTED]

[REDACTED]

b2

b6

b7A

b7C

b7E

[redacted] (Pending)

[redacted]

CASE AGENT: [redacted]

Subject is under investigation [redacted]

[redacted] This investigation benefitted in general from the sharing of information across the intelligence/criminal investigation line. The break down of the so called "wall" between intelligence and criminal investigators resulted in the cross- sharing of information which supported and allowed for the use of investigative techniques, to include,

b2
b6
b7C
b7E

[redacted]

[redacted]

The [redacted] investigation generated numerous leads to other divisions and the initiation of preliminary inquiries and full field investigations on related subjects. In addition, several Legal Attaches were tasked with sharing information via Letterhead Memorandum and further tasked for foreign records checks and interviews.

Section 204 (Clarification of Intelligence Exceptions from Limitations on Interception and Disclosure of Wire, Oral and Electronic Communications)

315N-[redacted]85481 (Closed)

[redacted] (Pending)

[redacted]

IT-UBL/AL-QAEDA

CASE AGENT: [redacted]

b2
b5
b6
b7A
b7C
b7E

This section granted FBI [redacted] use of FISA for [redacted]
[redacted] of [redacted] as well as search
of stored [redacted]

[redacted]

Section 206 (Roving Wiretaps)

[redacted] (Pending)

CASE AGENT: [redacted]

Roving authority applied for and received under a newly issued FISA.

b2
b6
b7A
b7C
b7E

Section 213 (Delayed Notice Search Warrants)

b2

[redacted] (Pending)

b6

CASE AGENT: [redacted]

b7A

b7C

b7E

FBI [redacted] applied for and received a Delayed Notice Search Warrant in captioned case. The search has not yet taken place, however, it is anticipated significant information will be recovered.

Section 214 (FISA Pen Register and Trap/Trace)

315N-[redacted]-85481 (Closed)

[redacted] (Pending)

[redacted]

IT-UBL/AL-QAEDA

CASE AGENT: [redacted]

b2

Section 214 allowed FISA pen/trap authority based upon the fact information obtained was likely to result in foreign intelligence information. [redacted]

b6

b7A

[redacted] and [redacted] provided valuable intelligence information regarding the subject, suspect organization [redacted] and terrorism related matters.

b7C

b7E

Section 215 (Business Records)

FBI [redacted] is considering use of this provision in the near future in two separate foreign counterintelligence investigations in order to obtain business records on two subjects of interest. However, due to the classified nature of these investigations further details are unavailable at this time.

b2

b7E

Section 217 (Computer Hacking victims requesting law enforcement assistance)

288A-[redacted] 90406 (Pending)

UNSUB(S);

[redacted]

COMPUTER INTRUSION

CASE AGENT: [redacted]

b2

b6

b7C

b7D

b7E

This section of the Patriot Act was vital to this investigation. FBI [redacted] Case Agent was able to locate [redacted]

[redacted] If not for this exception, the Case Agent would

have been unable to gather critical information.

Section 218 (Change in the "Primary Purpose" Standard of FISA)

315N-[]85481 (Closed)
[] (Pending)

IT-UBL/AL-QAEDA

CASE AGENT: []

This section eliminated the wall and allowed for sharing of criminal and intelligence information. It also allowed FBI [] to coordinate with cleared law enforcement officials assigned to the [] JTTF and prosecutors from the U.S. Attorney's Offices (USAOs) both in [] (where [] was indicted) and []

This section also enabled the sharing of information with cleared law enforcement personnel needed to effect arrests and other investigative actions (surveillance, etc.) It enabled criminal investigators to share Grand Jury information with other law enforcement entities working both on the intelligence and criminal sides of the investigation. This was vital to the case as 100's of Grand Jury subpoenas were issued and provided cause documents for [] search, and arrest warrants.

b2

b6

b7A

b7C

b7E

Finally, this section paved the way for use of FISA derived material in [] prosecution and in [] proceedings, once said material was properly declassified. This section was vital to FBI [] sharing with numerous other field divisions working on investigations related to the [] matter to include: [] and []. Some of the intelligence derived from the FBI [] investigation [] has proven beneficial to intelligence and/or criminal cases out of the following Divisions: [] and others.

Section 220 (Nationwide Search Warrants for Electronic Evidence)

[] (Pending)

[] (Victim)

CASE AGENT: []

b2

b6

b7A

b7C

b7E

[redacted]
[redacted] was
arrested in February 2005. A search warrant sworn out in
[redacted] was served on [redacted] The resulting information
will be used in the prosecution of [redacted]

b2
b5
b6
b7A
b7C
b7E

[redacted] (Pending)

CASE AGENT: [redacted]

[redacted]
[redacted] A search warrant was sworn
out in [redacted] and served in [redacted] on [redacted] The information
obtained through this warrant contains evidence of [redacted]
use of the internet to [redacted]

b2
b5
b6
b7A
b7C
b7E

315M-[redacted]-89387 (Pending)

AOT-IT

CASE AGENT: [redacted]

[redacted]
[redacted] Search warrants were prepared in
[redacted] and served on [redacted]
Information obtained from search warrants, pen registers/trap
traces, and Grand Jury Subpoenas were shared with the United
States Army and the Judge Advocate General for the Army. The
same information was used in a Court Marshal in which
[redacted] was found guilty and sentenced to life in prison.

b2
b6
b7C
b7E

315N-[redacted]-85481 (Closed)

[redacted] (Pending)

IT-UBL/AL-QAEDA

CASE AGENT: [redacted]

b2
b6
b7A
b7C

This section enabled search warrants from the FISA court to
compel [redacted] located in [redacted]
to provide stored content.

b7E

Section 225 (Immunity for Compliance with FISA Wiretap)

315N-[redacted]-85481 (Closed)

[redacted] (Pending)

IT-UBL/AL-QAEDA

CASE AGENT: [redacted]

b2
b6
b7A
b7C
b7E

This section provided immunity to [redacted] and
[redacted] personnel [redacted]
[redacted] content was utilized throughout the criminal proceedings
against [redacted]

b2

b6

b7A

b7C

b7E

Administrative Suggestions:

[Redacted]

[Redacted]

b2

b5

b7E

[Redacted]

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 12:42 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b6
b7C

Importance: High

UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-29-2005 BY 65179 DMH / JHP 05-CV-0845

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 12:24 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI)
Subject: FW: Patriot Act Examples
Importance: High

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Example of use of these provisions in a [REDACTED] Division criminal case is attached.

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Monday, March 21, 2005 2:48 PM
To: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI)
Subject: FW: Patriot Act Examples
Importance: High

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Lets see if we can get some examples.

[REDACTED]

b6
b7C

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 12:07 PM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

[REDACTED]

b2 , b6, b7A, b7C, b7E

(1) Section 212 -amended 18 U.S.C. § 2702(b); § 220 - amended 18 U.S.C. § 2703.

Sections 212 and 220 of the PATRIOT Act were utilized

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

b2
b6
b7A
b7C
b7E

[REDACTED]

[REDACTED]

Section 220 was used to obtain search warrants for [REDACTED]

[REDACTED]

[REDACTED]

b6

b7A

b7C

[REDACTED] eventually pled guilty to charges of travel with intent to engage in sexual activity with a minor and sexual exploitation of a minor (18 U.S.C. §§ 2423(b) and 2251(a)) and was thereafter sentenced to a term of 235 months imprisonment.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-29-2005 BY 65179 DMH / JHF 05-CV-0845

From: [REDACTED] (OGC) (FBI)

Sent: Friday, March 25, 2005 1:03 PM

To: [REDACTED] (CTD) (FBI); [REDACTED] (OGC) (FBI)

Cc: [REDACTED] (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OCA) (FBI)

Subject: RE: Quick question on FBI Director testimony for Congress on FISA issue relating to [REDACTED]

UNCLASSIFIED
NON-RECORD

I see no issue with this. As written below, it is accurate. In addition, there is no way that anyone could glean what investigation and/or prosecution this refers to.

-----Original Message-----

From: [REDACTED] (CTD) (FBI)

Sent: Friday, March 25, 2005 12:59 PM

To: [REDACTED] (OGC) (FBI); [REDACTED] (OGC) (FBI)

Cc: [REDACTED] (FBI); [REDACTED] (OGC) (FBI); [REDACTED] (OCA) (FBI)

Subject: RE: Quick question on FBI Director testimony for Congress on FISA issue relating to [REDACTED]

UNCLASSIFIED
NON-RECORD

[REDACTED]
I just got this from Office of Congressional Affairs. They queried field offices, to include [REDACTED] for examples of FISAs that utilize Patriot Act, Section 204. The [REDACTED] case came up as an example. SA [REDACTED] provided below response - below the asterisks - which looks VERY generic. Probably no issues here but thought I would cut you in to take a quick read. Let [REDACTED] and myself know if you see any problem with this. Thanks.

-----Original Message-----

From: [REDACTED] (FBI)

Sent: Friday, March 25, 2005 12:03 PM

To: [REDACTED] (CTD) (FBI)

Subject: FW: Patriot Act Example

UNCLASSIFIED
NON-RECORD

-----Original Message-----

From: [REDACTED] (FBI)

Sent: Friday, March 25, 2005 11:56 AM

To: [REDACTED] (FBI); [REDACTED] (FBI)

Subject: RE: Patriot Act Example

UNCLASSIFIED
NON-RECORD

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

[Redacted]

b2

b6

b7C

-----Original Message-----

From: [Redacted] (FBI)

b2

b7E

Sent: Friday, March 25, 2005 10:50 AM

b6

To: [Redacted] (FBI); [Redacted] (FBI)

b7C

Subject: FW: Patriot Act Example

DATE: 12-08-2005
CLASSIFIED BY 65179 DMH/LP/DFW
REASON: 1.4 ((C) 05-CV-0845)
DECLASSIFY ON: 12-08-2030

UNCLASSIFIED
NON-RECORD

Guys:

This is the email regarding the Patriot Act and the Congressional Affairs call I received today.

Can we all get together on this to make sure we are comfortable with it?

[Redacted]

b6

b7C

-----Original Message-----

From: [Redacted] (OCA) (FBI)

b2

Sent: Friday, March 25, 2005 10:17 AM

To: [Redacted] (FBI); [Redacted] (FBI)

b6

Subject: Patriot Act Example

b7C

b7E

~~UNCLASSIFIED~~
~~NON-RECORD~~

[Redacted] - thanks very much for your help this morning.

[Redacted]

[Redacted]

b5

b6

[Redacted] - thanks for your help!

b7C

[Redacted]

[Redacted]

(S)

b1

b2

b7E

[Redacted]

b2

Office of Congressional Affairs

b6

[Redacted]

b7C

UNCLASSIFIED

~~SECRET~~

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

Message

Page 1 of 4

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Monday, March 28, 2005 7:42 AM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b6

b7C

DATE: 09-20-2005
CLASSIFIED BY 65179 DMH/JHF 05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 09-20-2030

Importance: High

~~UNCLASSIFIED~~
~~NON-RECORD~~

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Sunday, March 27, 2005 2:15 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI)
Subject: FW: Patriot Act Examples
Importance: High

b2

b6

b7C

b7E

~~UNCLASSIFIED~~
~~NON-RECORD~~

(S)

b2

b6

b7C

b7E

Hi Eleni,
I am the [REDACTED] and am the the POC for this. Set forth below is an e-mail which I sent to all SAs soliciting further examples. As a a result of response from SAs, I have the additional information.

Sections 201 and 202 [REDACTED] b1 , b2, b7E

Section 203 - [REDACTED] ed this in all of our 315 investigation. It is difficult to quantify the extent to which we have made use of this. b2
b7E

Section 218 - Again, this is difficult to quantify, but since the enactment of the Patriot Act we have utilized a FISA on approximately [REDACTED] T investigations. The "significant purpose" language was utilized in each of these.

Section 206 - I believe this has been used [REDACTED] on 315 investigations.

b1

Section 214 - The pen register FISA has been used approximately [REDACTED] (S)

b2

b7E

Section 215 [REDACTED] (S)

Section 217 [REDACTED] (S)

Section 213 - We have had [REDACTED] search warrant in a criminal investigation. We reported this previously about 2 years ago we when we executed the warrant.

Please contact me if you need more information.

b2

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Thursday, March 17, 2005 5:43 PM
To: [REDACTED] SUPERVISORS; [REDACTED] ALL AGENTS
Cc: [REDACTED] (FBI)
Subject: FW: Patriot Act Examples
Importance: High

b6

b7C

b7E

~~SECRET~~

~~SECRET~~~~UNCLASSIFIED~~
~~NON-RECORD~~

To follow up on the SAC's earlier e-mail to all supervisors which is set forth below and which requests examples of investigations which might be useful in convincing Congress to renew sections of the Patriot Act which are scheduled to expire at the end of this year, the following sections appear to be most relevant:

Sections 202 and 202 which expand the criminal Title 3 predicates to include some additional terrorism statutes and some computer fraud/hacking crimes [redacted] (the child pornography T-3 from a few years ago does not fall within this) (S)

b1

Sections 203 which expands the sharing of information information obtained in criminal investigations, Grand Juries, and Title 3s with other federal intelligence or law enforcement agency to the extent the information relates to national security [redacted] Any specific examples where we achieved some notable result should be reported to me. (S)

b2

b7E

Section 218 - This section amended the FISA statute to allow for foreign intelligence to be a "significant purpose" of the authority sought. In conjunction with section 504, this also allows us to consult with federal prosecutors without placing FISAs at risk. Since this applies to all FISAs obtained since 10/26/01, I will obtain the number of these we have had since that time.

b1

b2

Section 206 - roving FISA coverage which authorizes interception of facilities as yet unknown if the subject's actions may thwart electronic surveillance. I recall that this has been used [redacted] on a Squad 4 case, but do not recall other instances. Please advise me if we have used on other occasions. (S)

b7E

Section 214 - FISA pen register and trap/trace - This change modified the standard for obtaining FISA pen registers and added required language relating to the 1st Amendment - I will get the responsive numbers for this from ELSUR

Section 215 - FISA for business records - [redacted] we have used this technique.

Please advise me if (S)

b1

b2

Section 217 - law enforcement monitoring of computer trespassers - This section is a technical amendment to the computer hacking statute and allows us to conduct electronic surveillance of the intruder with the consent of owner of the computer system. [redacted] Please advise me of any situations where this has been used. (S) (S)

b7E

Section 213 - delayed notice criminal search warrants - [redacted] on a drug investigation; and it was reported previously and was included in materials previously reported to Congress. Any other examples should be brought to my attention.

Any information regarding these should be forwarded to me as soon as possible, and any questions should be directed to me.

-----Original Message-----

From: [redacted] (FBI)

b2

Sent: Thursday, March 17, 2005 10:54 AM

b6

To: [redacted] SRAs; [redacted] SUPERVISORS

Cc: [redacted] (FBI)

b7C

Subject: FW: Patriot Act Examples

b7E

Importance: High

~~UNCLASSIFIED~~
~~NON-RECORD~~~~SECRET~~

Please assist [redacted] in coordinating a response for this important matter.

b6

b7C

~~SECRET~~

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 9:07 AM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

~~UNCLASSIFIED~~
~~NON-RECORD~~

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

~~UNCLASSIFIED~~~~UNCLASSIFIED~~~~UNCLASSIFIED~~~~UNCLASSIFIED~~~~SECRET~~

~~SECRET~~

~~UNCLASSIFIED~~

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 4:49 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b6

b7C

Importance: High

DATE: 09-20-2005
CLASSIFIED BY 65179 DMH/JHF 05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 09-20-2030

~~SENSITIVE BUT UNCLASSIFIED
NON-RECORD~~

b6

b7C

[REDACTED] will fit right in.

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 4:12 PM
To: KALISCH, ELENI P. (OCA) (FBI); [REDACTED] (CD) (FBI)
Subject: FW: Patriot Act Examples
Importance: High

b2

b6

b7C

b7E

~~SENSITIVE BUT UNCLASSIFIED
NON-RECORD~~

Eleni- Here is the response from [REDACTED] I think it is important to note that , even though our realitvly small division has not used all the tools provided by the Patriot Act, it is important to have those tools available to us. [REDACTED] points of contact are SSA [REDACTED] SSA [REDACTED] and/or [REDACTED]

b2

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Tuesday, March 22, 2005 9:30 AM
To: [REDACTED] (FBI)
Subject: FW: Patriot Act Examples
Importance: High

b6

b7C

b7E

~~SENSITIVE BUT UNCLASSIFIED
NON-RECORD~~

[REDACTED] Here is the CI-1 response regarding the Patriot Act sunset provisions:

(S)

b1

b2

b5

b6

b7C

b7E

~~SECRET~~

I hope that all makes cents (opps sense).

b6

-----Original Message-----

b7C

From: [REDACTED] (FBI)

Sent: Thursday, March 17, 2005 12:36 PM

To: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED]

(FBI); (FBI); (FBI);

(FBI); (FBI); (FBI); (FBI);

(FBI); (FBI); (FBI); (FBI);

	(FBI);		(FBI)		(FBI);	
--	--------	--	-------	--	--------	--

(FBI); (FBI); (FBI)

(FBI); (FBI); (FBI); (FBI);

Subject: FW: Patriot Act Examples

Importance: High

~~UNCLASSIFIED~~

~~NON-RECORD~~

If you have any example, let know by 3/23/2005.

b6

☐ - Please coordinate our division's response and note 3/25/2005 deadline to FBIHQ...

b7C

b2 , b7E

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)

Sent: Thursday, March 17, 2005 10:07 AM

To: FBI_SAC's; FBI_ADs and EADs

Subject: Patriot Act Examples

Importance: High

~~UNCLASSIFIED~~

~~NON-RECORD~~

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)

Sections 203 and 218 (Information Sharing)

Section 206 (Roving Wiretaps)

Section 214 (FISA Pen Register and Trap/Trace)

Section 215 (Business Records)

Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

~~SECRET~~

~~SECRET~~

Eleni

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SENSITIVE BUT UNCLASSIFIED~~

~~SECRET~~

PATRIOT ACT Provision: Section 217
CASE Example: Major Case (MC) 216

Discussion: Investigation identified a computer intruder who used a series of intermediary computers as an initiating point of subsequent attacks against a main target. The captioned provision allowed the FBI to contact the victim of an intermediary attack and request that the victim company or individual create a record of activity. Further, the FBI could obtain consent from the intermediary victim and monitor criminal activity contemporaneously.

PATRIOT ACT Provision: Section 206
CASE Example: Various

Discussion: Investigations using Title 50 and Title III intercept and search authority have determined that subjects use multiple accounts. The current process requires multiple orders or subsequent orders. Implementation of the "roving" provision of Section 206 would reduce redundant orders and unnecessary delay in monitoring previously unknown accounts.

b6
b7C

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-29-2005 BY 65179 DMH/JHF 05-CV-0845

b2
b6
b7C
b7E

b6
b7C

b6
b7C

b2
b7E

b2
b6
b7C

SENSITIVE BUT UNCLASSIFIED

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Wednesday, March 23, 2005 5:25 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

b6

b7C

Importance: High

UNCLASSIFIED
NON-RECORD

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Wednesday, March 23, 2005 5:11 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI); [REDACTED] (FBI); [REDACTED] (FBI);
Subject: FW: Patriot Act Examples
Importance: High

ALL INFORMATION CONTAINED
 HEREIN IS UNCLASSIFIED
 DATE 08-29-2005 BY 65179 DMH/JHF 05-CV-0845

b2

b6

b7C

b7E

UNCLASSIFIED
NON-RECORD

Eleni:

Attached is the [REDACTED] Division response to your request. Individual examples contain the name of the case agents who will be able to assist you if further information is required. However, you may also contact [REDACTED] or IA [REDACTED] if you require further assistance.

b2

b6

b7C

b7E

Enjoy your day.

IA [REDACTED]
 [REDACTED] Division
 [REDACTED]

b2

b6

b7C

b7E

-----Original Message-----

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 9:07 AM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday,

March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

UNCLASSIFIED

UNCLASSIFIED

~~SECRET~~

b6

b7C

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 5:25 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act

DATE: 09-21-2005
CLASSIFIED BY 60309 AUC TAM/MLT/JHF 05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 09-21-2030

~~UNCLASSIFIED~~
~~NON-RECORD~~

-----Original Message-----

From: [REDACTED] (FBI)
Sent: Friday, March 25, 2005 5:14 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Cc: [REDACTED] (FBI)
Subject: Patriot Act

b2

b6

b7C

b7E

~~UNCLASSIFIED~~
~~NON-RECORD~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

On behalf of the [REDACTED] Division SAC, here is the [REDACTED] Division response to your Patriot Act request:

b2

b7E

Section 201/202 (Till predicates)

The [REDACTED] Division [REDACTED] the expanded predicates to obtain a Title III.

b1 , b2, b7E

(S)

Section 203 (Information Sharing)

(S)

[REDACTED]

b1

b2

b5

b7E

Section 218 (FISA)

[REDACTED]

b2

b5

b7E

Section 206 (Roving Wiretaps)

(S)

The [REDACTED] the roving wiretap authority under this section.

b1

b2

Section 214 (FISA Pen/Trap)

b7E

[REDACTED]
[REDACTED] Some of the Pen/Traps may have not risen to the level of justification required under the old standard. In addition, the [REDACTED] has utilized the expanded "electronic communications" portion of this section. [REDACTED] has obtained a FISA pen/trap in [REDACTED] involving electronic communications, with a total of [REDACTED] including the renewal orders.

b1

b2

b7E

(S)

(S)

Section 215 (Business Records)

[REDACTED] recently submitted [REDACTED] FISA Business Records request in an FCI investigation, but has not yet

b1

b2

b7E

~~SECRET~~

~~SECRET~~

received the results of the request. This Business Records request would not have met the pre-Patriot Act standards and would have been unavailable without this section.

Section 217 (Computer Hacking)

b2
b5
b7A
b7E

If you need any additional information Eleni, do not hesitate to call.

b2

b6

b7C

b7E

~~UNCLASSIFIED~~
~~NON-RECORD~~

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

~~UNCLASSIFIED~~

~~UNCLASSIFIED~~

~~SECRET~~

~~SECRET~~

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED EXCEPT
WHERE SHOWN OTHERWISE

DATE: 09-21-2005
CLASSIFIED BY 65179 DMH/JHF 05-CV-0845
REASON: 1.4 (C)
DECLASSIFY ON: 09-21-2030

b2

b7E

PATRIOT ACT EXAMPLES RELATED TO SUNSET PROVISIONS

FBI [REDACTED] DIVISION

(S)

Sections 201 and 202 (Expanded Title III predicates)

[REDACTED] examples

Sections 203(b) and (d) (Information Sharing)

(S)

[REDACTED] examples

Section 204 - Clarification of Intelligence Exceptions from Limitations on Interception and Disclosure of Wire, Oral and Electronic Communications

[REDACTED] examples

(S) Section 206 (Roving Wiretaps)

[REDACTED] examples

(S) Section 207 - Extended Duration for Certain FISAs

[REDACTED] examples

(S) Section 209 - Seizure of Voice Mail with a Search Warrant

[REDACTED] examples

(S) Section 212 - Emergency Disclosures of E-mail & Records by ISPs

[REDACTED]

b2

b6

b7A

b7C

b7E

Section 214 (FISA Pen Register and Trap/Trace)

FISA pen register and trap/trace authority has been used [REDACTED]

[REDACTED]

b2

b7E

~~SECRET~~



b2
b5
b7E

Section 215 (Business Records)



examples

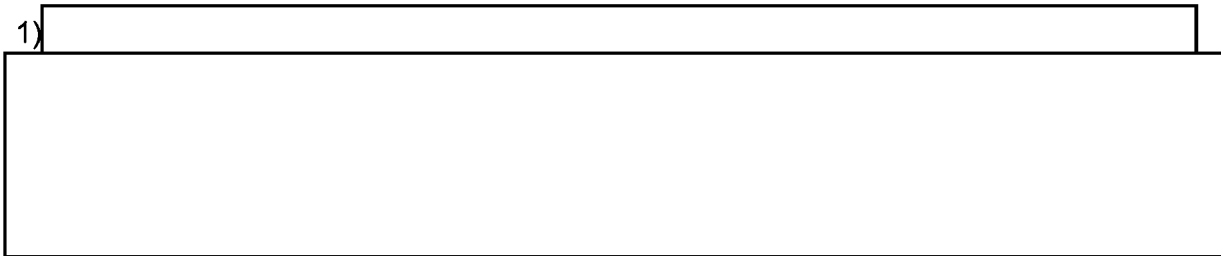
(S)

b1
b2
b7E

Section 217 - Interception of Computer Trespasser Communications

The following examples are of occasions during which victims invited the FBI into a protected computer to monitor a computer trespasser's communications:

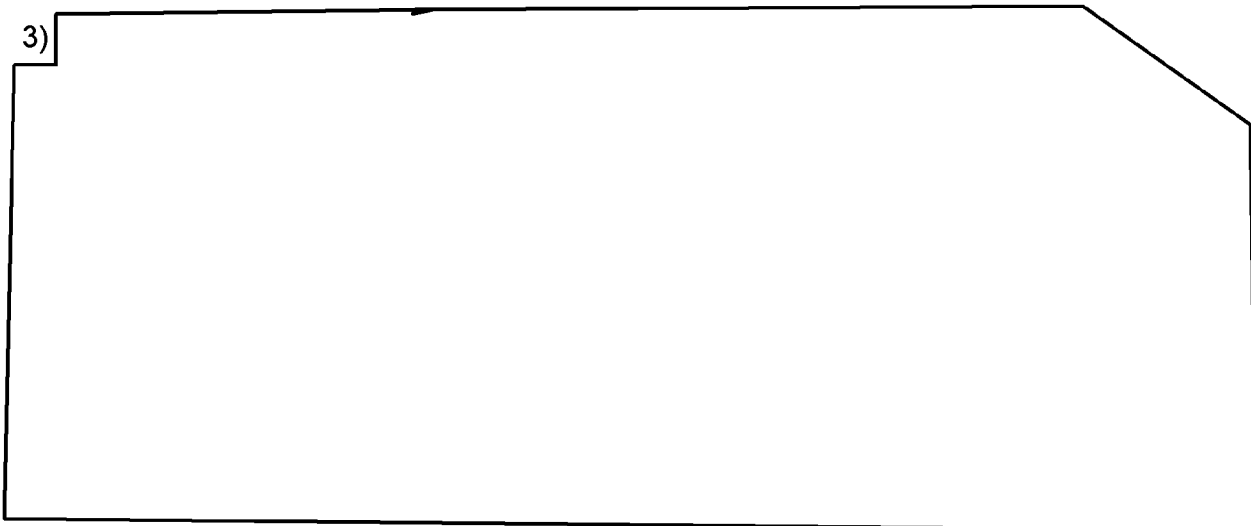
1)



b2
b6
b7A
b7C
b7E

2) The victim in a criminal computer intrusion case allowed consensual real-time monitoring of his home network in an attempt to intercept the subject intruder's online activity (data). As it turned out, the subject never returned and connected to the victim wireless network, but the FBI did eventually search and seize computers from both the subject's vehicle and residence.

3)



b2
b7A
b7E

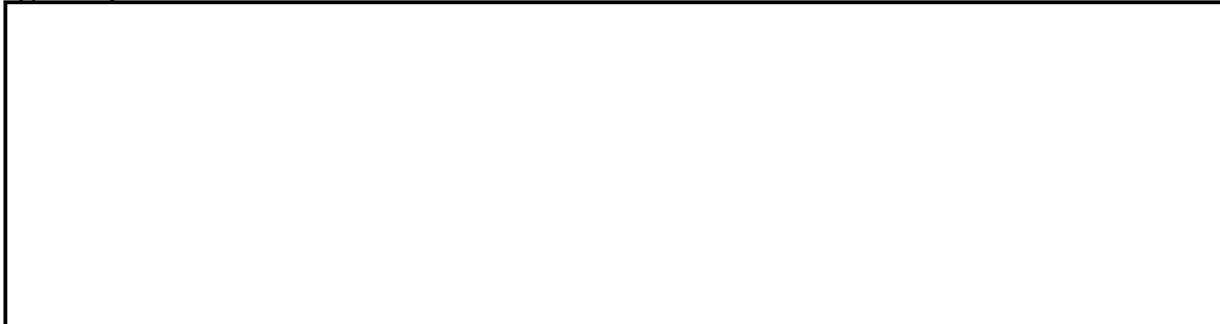


b2
b7A
b7E

Section 218 (Change of Primary Purpose/Information Sharing)

Following are two examples of cases in which personnel involved in a FISA consulted with law enforcement officials in order to coordinate efforts to investigate or protect against attacks, terrorism, sabotage, or clandestine intelligence activities. This was accomplished because the "wall" between criminal and intelligence investigations was eliminated. These examples are being provided as they may relate to the change in the purpose standard for FISA authority:

1)



b1
b2
b7E

Impact of the Patriot Act:

(S)

(S)

(S)

(S)

(S)



~~SECRET~~

During a national press conference on the day of the indictment and arrests of the subjects of this case, then Attorney General John Ashcroft described this case as a landmark investigation and prosecution. Former Attorney General Ashcroft also heralded [redacted] and RICO prosecution as a new method of attacking terrorism following the passage of the Patriot Act.

b2

b7E

2) In a pending international terrorism case, the FBI has been able to coordinate with ICE and with local intelligence officers in an effort to arrest/detain an international terrorism subject for eventual deportation. This case involves ongoing declassification of FISA derived information to be used in the criminal case. The change in the purpose for the FISA authority has allowed coordination between the criminal and intelligence investigations in this case.

Section 220 - Nationwide Search Warrants for Electronic Evidence

The FBI has used Section 220 in numerous innocent images criminal cases to obtain search warrants with nationwide jurisdiction to compel the production of information held by service providers in other districts or states. The information acquired from these nationwide search warrants provided evidence that the subjects were in possession of child pornography. On at least one occasion, a judge repeatedly refused to sign the nationwide search warrant because he believed this provision only applied to terrorism related matters. Ultimately, however, the FBI obtained the search warrant in this case from another judge.

Section 223 - Civil Liability for Certain Unauthorized Disclosures

[redacted] examples
(S)

Section 225 - Immunity for Compliance with FISA Wiretap

[redacted] examples
(S)

b1

b2

Section 213 (Delayed Notice Search Warrants)--Not subject to sunset

[redacted] examples
(S)

b7E

~~SECRET~~

From: [redacted] (DO) (FBI)
Sent: Friday, March 25, 2005 2:19 PM
To: [redacted] (OCA) (FBI)
Subject: FW: [redacted] Division's Response Re: Patriot Act Examples

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-29-2005 BY 65179 DMH /JHF 05-CV-0845

FYI...

-----Original Message-----

From: [redacted] (FBI)
Sent: Friday, March 25, 2005 2:18 PM
To: KALISCH, ELENI P. (OCA) (FBI); [redacted] (DO) (FBI)
Cc: [redacted] (FBI); [redacted] (FBI)
Subject: [redacted] Division's Response Re: Patriot Act Examples

b2
b6
b7C
b7E

UNCLASSIFIED
NON-RECORD

Please find attached [redacted] Division's response to the e-mail dated 03/17/2005, requesting submission of unclassified examples of the Division's use of Patriot Act provisions.

b2
b6
b7C
b7E

[redacted] point of contact (POC) for additional information is [redacted]
[redacted] telephone number [redacted]

Approved By:

[redacted]

Sent By:

[redacted]
[redacted]
[redacted] Legal Unit
[redacted]

b2
b6
b7C
b7E

UNCLASSIFIED

UNCLASSIFIED

b6

b7C

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Friday, March 25, 2005 2:53 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Examples

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 08-31-2005 BY 65179 DMH / JHF 05-CV-0845

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

-----Original Message-----

From: Caproni, Valerie E. (OGC) (FBI)
Sent: Friday, March 25, 2005 2:51 PM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: FW: Patriot Act Examples

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

I think this is in response to a tasking from you.

-----Original Message-----

From: BEREZNAY, TIMOTHY D. (CD) (FBI)
Sent: Friday, March 25, 2005 2:48 PM
To: Caproni, Valerie E. (OGC) (FBI)
Subject: FW: Patriot Act Examples

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

-----Original Message-----

From: GUERIN, RONALD T. (CD) (FBI)
Sent: Thursday, March 24, 2005 8:49 AM
To: BEREZNAY, TIMOTHY D. (CD) (FBI)
Subject: FW: Patriot Act Examples

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

If you need more specifics let me know.

-----Original Message-----

From: [REDACTED] (CD) (FBI)
Sent: Wednesday, March 23, 2005 1:44 PM
To: GUERIN, RONALD T. (CD) (FBI)
Subject: RE: Patriot Act Examples

b6

b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Rudy,

One addition for 3A:

b2

b7E

-----Original Message-----

From: [REDACTED] (CD) (FBI)
Sent: Wednesday, March 23, 2005 1:26 PM
To: GUERIN, RONALD T. (CD) (FBI)
Cc: [REDACTED] (CD) (FBI)
Subject: RE: Patriot Act Examples

b6

b7C

SENSITIVE BUT UNCLASSIFIED
NON-RECORD

Rudy,

CD-3A response:

b2

b7E

-----Original Message-----

From: [REDACTED] (CD) (FBI)
Sent: Monday, March 21, 2005 11:00 AM
To: [REDACTED] (INSD) (FBI); [REDACTED] (CD) (FBI); [REDACTED] (CD) (FBI);
[REDACTED] (CD) (FBI); [REDACTED] (SecD) (FBI)
Cc: [REDACTED] (CD) (FBI)
Subject: FW: Patriot Act Examples
Importance: High

b6

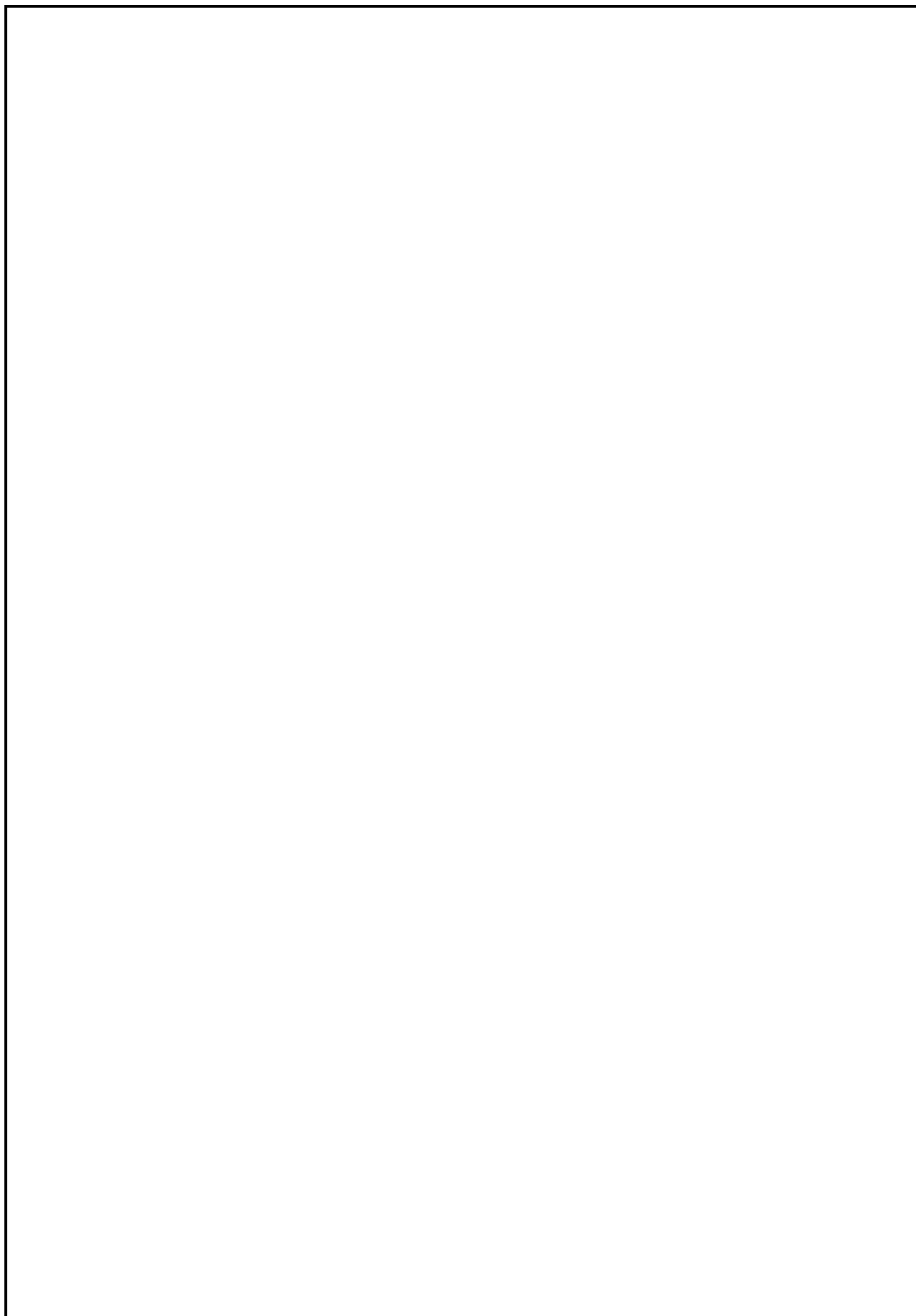
b7C


UNCLASSIFIED
NON-RECORD

Per Rudy's request below, we've been asked to review the below identified sections of the USAPATRIOT act that are scheduled to be sunsetted this year. OCA wants to know whether FBI has used these sections. Many of the sections expanded upon Title III wiretaps, but several of the sections may have impacted 3A cases such as Sections 206, 207, and 214. Can we identify any cases or circumstances in which we've used one or more of these sections? If so, email Rudy, no later than Thursday, unclassified versions of such examples.

b5







file:///H:/My%20Documents/WPDocs/LEGISSUES/patriot%20act%20reauthorization/exa... 6/14/2005

Subject: FW: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

I know we have wxamples such as Rudy's [REDACTED]

b2

-----Original Message-----

b7E

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 12:07 PM
To: FBI_SAC's; FBI_ADs and EADs
Subject: Patriot Act Examples
Importance: High

UNCLASSIFIED
NON-RECORD

All:

As the Director mentioned at the SAC Conference earlier this week, 16 provisions of the Patriot Act are scheduled to "sunset" at the end of the year. In seeking reauthorization of these provisions, we need to provide Congress with examples of how these provisions have been helpful to us in all of our programs. The text of the Patriot Act, as well as a summary of the 16 "sunset" provisions, are located on the OCA intranet website [REDACTED]

b2

Please review these provisions and submit unclassified examples to me via e-mail no later than Friday, March 25.

Although examples of all provisions are needed, of particular interest are examples of the following:

Sections 201 and 202 (Expanded Title III predicates)
Sections 203 and 218 (Information Sharing)
Section 206 (Roving Wiretaps)
Section 214 (FISA Pen Register and Trap/Trace)
Section 215 (Business Records)
Section 217 (Computer Hacking victims requesting law enforcement assistance)

Although not subject to sunset, Section 213 (Delayed Notice Search Warrants) remains controversial and examples of the utility of this provision are needed.

In your response, please identify a POC in your office in the event additional information is needed. Thank you for your assistance.

Eleni

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

b6

b7C

From: KALISCH, ELENI P. (OCA) (FBI)
Sent: Thursday, March 17, 2005 12:11 PM
To: [REDACTED] (OCA) (FBI)
Subject: FW: Patriot Act Benefits to [REDACTED] Investigation

SENSITIVE BUT UNCLASSIFIED
RECORD [REDACTED]

b2 , b7A, b7E

[REDACTED]
 I have sent out my All SACs e-mail and will forward responses to you. Here is the first :-)
 Thanks,
 Eleni

b6

b7C

-----Original Message-----

b2

From: [REDACTED] (FBI)
Sent: Thursday, March 17, 2005 11:55 AM
To: KALISCH, ELENI P. (OCA) (FBI)
Subject: FW: Patriot Act Benefits to [REDACTED] Investigation

b7E

SENSITIVE BUT UNCLASSIFIED
RECORD [REDACTED]

b2 , b7A, b7E

Eleni,

Are you need of the below information?

[REDACTED]

b2

[REDACTED]
 ASAC CTD [REDACTED]
 [REDACTED]

b6

b7C

-----Original Message-----

b7E

From: PARENTI, DREW S (DO) (FBI)
Sent: Thursday, March 17, 2005 11:50 AM
To: [REDACTED] (FBI)
Subject: RE: Patriot Act Benefits to [REDACTED] Investigation

SENSITIVE BUT UNCLASSIFIED
RECORD [REDACTED]

b2 , b7A, b7E

Not sure where that came from. The AD of OCA, Eleni Kalisch, is compiling specific examples of where the "sunsetting" provisions of the Patriot Act have assisted our investigations.

-Drew-

b2

-----Original Message-----

b6

From: [REDACTED] (FBI)
Sent: Thursday, March 17, 2005 11:43 AM
To: PARENTI, DREW S (DO) (FBI)
Subject: FW: Patriot Act Benefits to [REDACTED] Investigation

b7C

b7E

SENSITIVE BUT UNCLASSIFIED
RECORD [REDACTED]

b2 , b7A, b7E

Drew,

In the ADIC's morning meeting there was discussion that you were putting together talking points for the Director ref the Patriot Act. Please see below and let me know if this helps. Feel free to have a direct conversation with either [redacted] or [redacted] if it will benefit your research. Thanks

[redacted]

b2

b6

b7C

b7E

[redacted]
ASAC CTD [redacted]
[redacted]

b2

b6

b7C

b7E

-----Original Message-----

From: [redacted] (FBI)
Sent: Thursday, March 17, 2005 11:17 AM
To: [redacted] (FBI)
Subject: FW: Patriot Act Benefits to [redacted] Investigation

SENSITIVE BUT UNCLASSIFIED
RECORD [redacted]

b2 , b7A, b7E

[redacted]

Here are the bullet points you requested.

b2

-----Original Message-----

b6

b7C

b7E

From: [redacted] (FBI)
Sent: Thursday, March 17, 2005 10:21 AM
To: [redacted] (FBI)
Cc: [redacted] (FBI)
Subject: Patriot Act Benefits to [redacted] Investigation

SENSITIVE BUT UNCLASSIFIED
RECORD [redacted]

b2 , b7A, b7E

[Large redacted block]

b2

b5

b6

b7A

b7C

b7E

SA [redacted]
[redacted] IT-3
[redacted] (Desk)
[redacted] (Cell)

b2

b6

b7C

b7E

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED

SENSITIVE BUT UNCLASSIFIED